

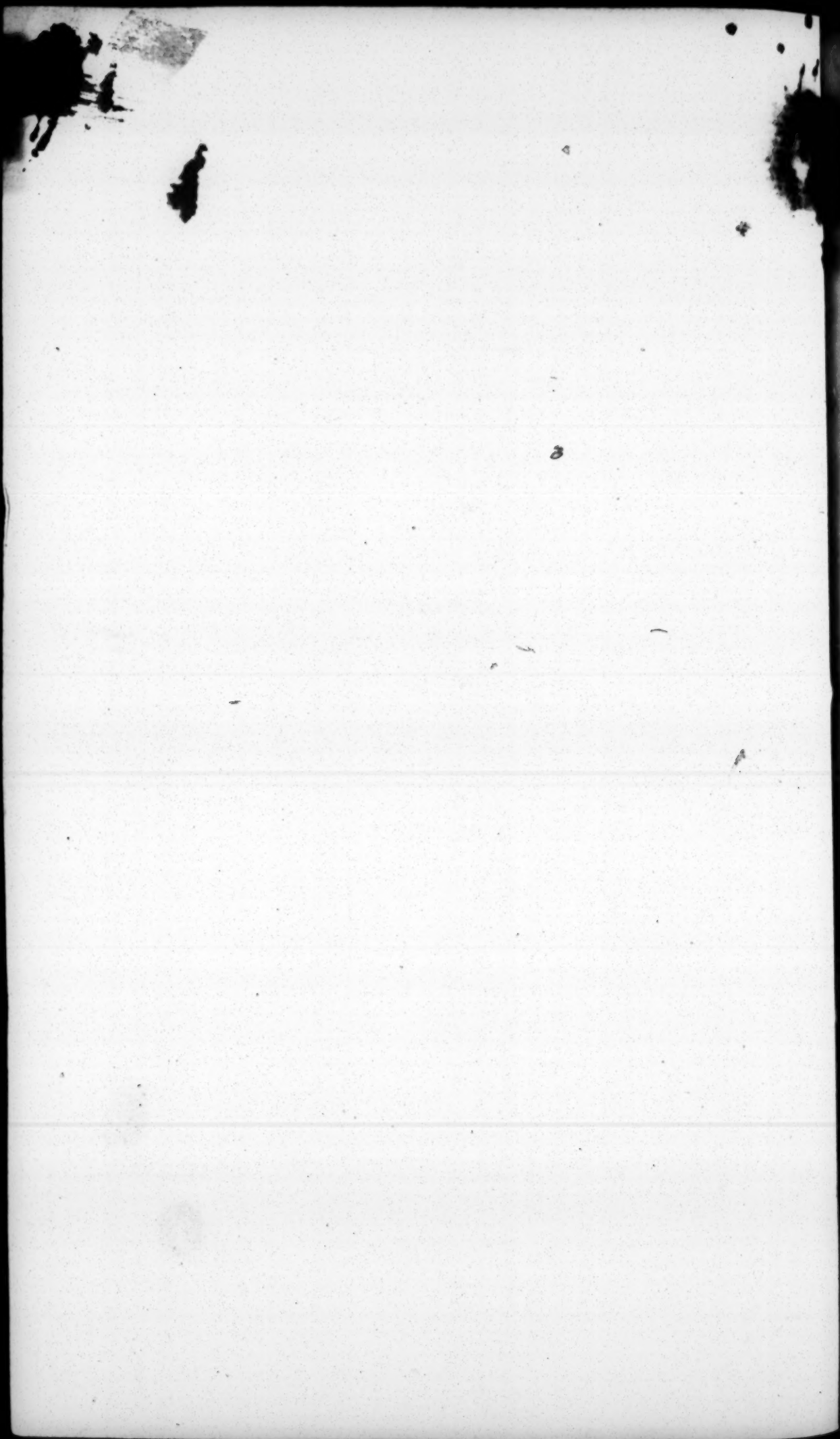
MINUTES

OF THE

PROCEEDINGS

OF A

COURT-MARTIAL.



MINUTES

OF THE

PROCEEDINGS

OF A

COURT-MARTIAL,

ASSEMBLED AND HELD ON BOARD HIS MAJESTY'S
SHIP THE INVINCIBLE, IN FORT ROYAL
BAY, MARTINIQUE,

ON THE 20th OF JANUARY, 1798,

And continued, by Adjournment (Sunday excepted) until the 25th,

To try -----, for the Death of -----.

LONDON:

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AT a Court Martial assembled and held on board his Majesty's ship *Invincible*, in Fort Royal Bay, Martinique, the 20th of January, 1798, and held by adjournment every day afterwards, (Sunday excepted) until the 25th;

P R E S E N T,

WILLIAM CAYLEY, Esq. Captain of
his Majesty's ship *Invincible*, and se-
nior Captain of his Majesty's ships } PRESIDENT.
and vessels in Fort Royal Bay, Mar-
tinique,

C A P T A I N S.

JEMMETT MAINWARING,	CHARLES EKINS,
RICHARD BROWNE,	ALEX. S. BURROWS.

The Court (being duly sworn according to Act of Parliament) in pursuance of an order from Henry Harvey, Esq. Rear Admiral of the Red, and Commander in Chief of his Majesty's ships and vessels employed, and to be employed at Barbadoes, and the Leeward Islands, and in the seas adjacent, proceeded to try the Right Honourable Lord Camelford, acting Commander of his Majesty's sloop *Favorite*, for the death of

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Lieutenant

Lieutenant Charles Peterfon, of his Majesty's fhip Per-
drix, on the evening of the 13th inftant, in the Naval
Yard at Antigua; and having heard the whole of the
evidence adduced on the occafion, and what the prifon-
er had to offer in his defence, and maturely and deli-
berately weighed and confidered the fame, and being
fully fenfible of the neceffity of prompt meafures in
cafes of mutiny, are unanimoufly of opinion, that
the very extraordinary and manifefit difobedience of
Lieutenant Peterfon, both before, and at the inftant
of his death, to the lawful orders of Lord Camelford,
the feniior officer at Englifh Harbour, at that time, and
the violent meafures taken by Lieutenant Peterfon to
refift the fame, by arming the Perdrix's fhip's com-
pany, were acts of mutiny highly injurious to the dif-
cipline of his Majesty's fervice.—The Court do there-
fore unanimoufly adjudge that the Right Honourable
Lord Camelford be honorably acquitted, and he is hereby
unanimoufly and honorably acquitted accordingly.

WM. CAYLEY,
JEMMETT MAINWARING,
C. EKINS,
RICHARD BROWNE,
A. S. BURROWES.

J. G. BRIGGS,
Advocate on the occafion.

MINUTES OF THE PROCEEDINGS

OF A

COURT MARTIAL

ASSEMBLED and held on board his Majesty's ship the Invincible, in Fort Royal Bay, Martinique, the 20th of January, 1798, and continued by adjournment (Sunday excepted) until the 25th.

P R E S E N T,

WILLIAM CAYLEY, Esq. Captain of his Majesty's ship Invincible, and se- nior Captain of his Majesty's ships and vessels in Fort Royal Bay, Mar- tinique,	} PRESIDENT
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C A P T A I N S,

JEMMETT MAINWARING,	CHARLES EKINS,
RICHARD BROWNE,	ALEX. S. BURROWES.

The prisoner was brought into Court, and the evidence and audience admitted.

Read the order of Henry Harvey, Esq. Rear Admiral of the Red, and Commander in Chief of his Majesty's ships and vessels employed, and to be employed at Barbadoes and the Leeward Islands, and in the seas adjacent, dated the 20th instant, to try the Right

Honorable Lord Camelford, for the death of Lieutenant Charles Peterfon, of his Majesty's ſhip Perdrix.

The Judge Advocate's warrant was then read.

The Members of the Court, and Judge Advocate, in open Court, and before they proceeded to trial, reſpectively took the oaths enjoined by Act of Parliament.

The letter from Captain Mitford of his Majesty's ſhip Matilda, and the verdict of the Coroner's inqueſt on the body of Lieutenant Peterfon, which was incloſed therein, was then read, as alſo a letter from Lord Camelford on the ſubject, containing a requeſt for a Court Martial, copies of which letters and verdict here follow, viz.

Engliſh Harbour, Antigua, 15 January, 1798.

SIR,

IT is with much concern I acquaint you, that yeſter-day morning (having arrived the evening of the 13th with a convoy of proviſions from St. Bartholomew's) I was informed of the death, at this place, of Lieut. Charles Peterfon, late of His Majesty's ſhip La Perdrix, by the hands of Lieutenant Lord Camelford, late commanding His Majesty's ſloop Favorite.

As the circumſtances attending this unhappy affair appeared to me of a very extraordinary nature, and related in a moſt confuſed ſtile, I could but conſider it my duty, as ſenior officer on the iſland, to go over with all diſpatch, and make myſelf acquainted with the facts, as related by both parties perſonally, and from the evidences which have been given, the Coroner's Inqueſt
ſeem

seem undetermined as to the name to be given to the crime ; but in my own dispassionate opinion, formed on many leading proofs, the whole has arisen from a vast deal of bad blood, long existing between the two parties.

Captain Matson, who arrived earlier than I did, will explain more to you, than the service he is upon will allow me time to write.

But I have thought proper to arrest Lord Camelford, and send him together with all the witnesses to you, for his trial by a Court Martial, as he applied to me by letter for that measure, which I hope, together with every step I have taken, will meet your approbation. As a number of officers are summoned so as to leave the *Perdrix* without one, I have ordered Lieutenant Parsons of the *Favorite*, to take charge of the *Perdrix*, and Mr. Nixon, master of the *Favorite*, to use his endeavours in getting the ship ready for sea ; I am happy in being able to assure you, that every thing now rests in perfect tranquillity, and as all the parties acquainted with the particulars are removed, hope nothing more will arise from this violent and extraordinary transaction. As my presence seemed to add to the calm, I have left such directions with the officers remaining with the ships, as I sincerely hope will tend to its continuance.

Inclosed I transmit for your further information, a copy of the verdict just now given by the Coroner's Inquest. I am, &c.

HENRY MITFORD.

*To Henry Harvey, Esq. Rear Admiral
of the Red, &c. &c. &c.*

ANTIGUA.

ANTIGUA.

INQUISITION had and taken this fourteenth day of January, in the present year of our Lord, one thousand seven hundred and ninety-eight, before me Richard Bowman, His Majesty's Coroner for the said island, upon the view of the body of Lieut. Peterfon, late of His Majesty's ship *Perdrix*, now lying in English Harbour, upon the oaths of William Hill, Esq. Foreman, John Simister, Thomas Smith, Samuel Haywood, Timothy Rodway, Peter Gordon, James Walker, Samuel Rose, Thomas Steer, John Cloverdate, Thomas North, John Graham; all good and lawful men of the said island, who being duly sworn, and charged to enquire on the part and behalf of His said Majesty, how and after what manner the said Lieutenant came to his death, do say, that upon the thirteenth day of this present instant month of January, in the evening of that day, an order was sent from Lord Camelford to the said Lieutenant Peterfon to row guard, to which order the said Lieutenant Peterfon returned for answer, that he was surprized at his presumption, and immediately ordered a party of the *Perdrix's* to arm, and headed them himself, as also did Lord Camelford with a party of marines, and soon after this, Lord Camelford called out to Lieutenant Peterfon, who said "Here I am, Sir;" upon which Lord Camelford said "Do you still persist in disobeying my command?"—Mr. Peterfon answered, "Yes, I do."—Upon which Lord Camelford shot the said Peterfon in the left breast, who almost instantaneously died;

died; from which it clearly appears to the present jurors, that a mutiny had taken place, *but on which side* such mutiny did exist, they cannot pretend to say, as a dispute had arisen, which was the commanding officer, either the said Lord Camelford or the said Lieutenant Peterfon; and the jurors upon their oaths aforesaid, do say, that the said Lieutenant Peterfon came to his death in manner and form aforesaid, and not otherways.—In witness whereof, the Coroner aforesaid, as well as the jurors aforesaid, have to this inquisition set their hands and seals, the day and year first above written.

Signed,

(*A true Copy.*)

RICHARD BOWMAN, Coroner.
WILLIAM HILL, Foreman.

And ten other persons abovenamed.

*His Majesty's sloop Beaver, Fort Royal Bay,
Martinique, 19th January, 1798.*

SIR,

ON the evening of the 13th of the present month, I being at that time senior officer of His Majesty's ships in English Harbour, in consequence of some alarm signals which had been made, and to which from various reasons I was led to pay more than ordinary attention, I gave directions to Lieutenant Parsons of His Majesty's ship Favorite, late under my command, to send Lieutenant Milward of the

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the same ship, with a verbal order to Lieutenant Peterson, deceased, at that time commanding officer of His Majesty's ship *Perdrix*, in the absence of Captain Fahie, absent upon leave, to hold the *Perdrix*'s ship's company in readiness to act in concert with the military upon the shortest notice, observing to Lieutenant Parsons at the same time, that as I had business which called me on the other side of the water, I would not give him, Lieutenant Parsons, the trouble of following me with a mere complimentary report; it gives me pain, however, to be obliged on this, as well as on another subsequent occasion, to pass some comments on the conduct of Lieutenant Parsons, an officer whose intentions I believe to be good, and who, except on the present occasion, has given me general satisfaction—he seems, indeed, so much to have mistaken my meaning on this occasion, in dispensing with the usual form of a report, that when Lieutenant Milward reported to him Lieutenant Peterson's avowed declaration to reject my orders, and when from that circumstance a report became no longer a compliment, but a serious point of service, he neglected to make me acquainted therewith, whereby I remained in total ignorance of this early act of disobedience, and was prevented from checking in the bud, what was afterwards attended with such fatal consequence.

As it is by no means my intention to draw down the displeasure of a Court-Martial upon Lieutenant Parsons, for circumstances which never would have been brought to light but for the necessity I am under of more fully explaining my own conduct, I will continue my recital by observing that some time after this I made

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made out a written order for Lieutenant Peterfon to continue in force a prior order of the Port, which related to keeping a guard at the entrance of the Harbour, under certain restrictions of my own, and this I delivered at my own lodging to Lieutenant Milward to deliver to Lieutenant Parsons, in order to its being forwarded to Lieutenant Peterfon by a petty officer, who shortly after returned with a verbal message from Lieutenant Peterfon, that he wondered at their presumption; this being reported to me, I directed Lieutenant Parsons to convey my orders by means of the same petty officer to Mr. Crawford, master of the *Perdrix*, that he should confine Lieutenant Peterfon to his Cabin, and take upon him the temporary command of the Ship; but without receiving any satisfactory answer; as all I can gather from the above mentioned petty officer (Mr. Granger) is that Lieutenant Peterfon still continued to express his surprize at our presumption; Mr. Crawford said nothing; the Purser, Mr. Piquenit, took down minutes of the message, and Lieutenant Peterfon obliged Mr. Granger to sign them. Nearly at the time that these proceedings were reported to me a Letter was delivered to me by Mr. Granger, which had been brought to Lieutenant Parsons by Mr. Crawford, he Mr. Crawford then observed, that he could not take a message. This letter appeared to be to me throughout so highly mutinous and refractory, (in as much as it not only set me at defiance and usurped my authority as senior officer of the Port, but as Lieutenant Peterfon therein styled himself Captain of the *Perdrix*) that I immediately and without hesitation gave directions to Lieutenant Parsons to dispatch Lieu-

tenant Milward at the head of a party of Marines, to arrest the Person of Lieutenant Peterfon, and to bring him over to the easternmost capstan house either dead or alive, there to be confined without communication until further orders. As these orders were in themselves more than commonly absolute, and such as nothing but the dangerous tendency of the letter I had received could justify, I thought proper to give them in the presence of two witnesses, who at the same time that they indemnified Lieutenant Parsons from all consequences, would, I was in hopes, ensure on his part a more rigid attention and compliance; so strangely however, does Lieutenant Parsons seem to have mistaken the spirit of these orders, although much pains were taken to explain their precise meaning and extent both to him and to the witnesses, that he, on the contrary, in terms equally absurd and unintelligible, directed Lieutenant Milward to arrest Lieutenant Peterfon, and make use of force of arms if necessary, but always to avoid bloodshed, finally referring him to me for further orders, should it seem impracticable to arrest the deceased alive : the consequences of such obscure and contradictory orders were evident. Lieutenant Milward instead of seizing and securing the prisoner upon the instant, and with the alacrity and spirit I am well persuaded he was inclined to shew, found his power so restrained, his orders so obscure, and the grounds, on which he then stood so precarious, that alarmed at his own responsibility, he lost the moment of all others when a speedy and prompt exertion was necessary, in fruitless expostulations and persuasions with the deceased.

I have

I have enlarged the more on this head, as to this mistake much may be attributed : my anxious intentions were to possess myself of the person of the deceased before he had time for preparation, aware as I well was, that from the arrogant and seditious turn of mind which, it is too notorious, he displayed on all occasions, he never would allow himself to be apprehended, while the means were left him for defence, and whilst the evil-disposed persons surrounding him were ready at his side to pour in their pernicious advice ; instead of which, as I have already explained, the most fatal procrastination took place ; for upon Lieutenant Milward's first intimating his intention to Lieutenant Peterfon, he called his ship's company to arms, and in his own person prepared for, and began to resist, in which he was joined and seconded by Mr. Crawford, (the master) who did his utmost forcibly to oppose the arrest.

The noise attending these proceedings having reached my ears, I immediately ran down to the yard before the Perdrix's capstan-house, where I found the Perdrix's ship's company falling in fast under arms ; I endeavoured to assemble them, in order to address them. but found them much dispersed, and that those who arrived up with their arms, fell into their ranks with an alacrity, which left me little hopes from persuasion. —The moment now was lost, as every thing tended to convince me that if I persisted any longer in endeavouring to carry away Lieutenant Peterfon by force, nothing less than a downright battle between the two ship's companies must ensue ; for this reason I called to Lieutenant Milward, and ordered him to desist, and to join me with the marines, which I drew up in face

of the Perdrix's ship's company, hailing the commanding officer of the Favorite at the same time (as I had previously done before) to hurry the rest of the ship's company over, hoping that their superior numbers would overawe the Perdrix's, and induce them to lay down their arms. In anxious expectation of their arrival, I took several turns with Lieutenant Milward in the yard, and I believe he will do me the justice to declare that I expressed myself upon that occasion with every degree of reluctance and concern at what seemed likely to ensue. Before, however, the Favorite's ship's company could be embarked, Lieutenant Peterson descended the stairs, calling "Perdrix's, Perdrix's;" to which they answered: the deceased then said, "Are you all here?" to which they having replied in the affirmative, he called out, "Are you ready?" to which they replied "Not yet;" he then called out, "Load with ball cartridge, and fix your bayonets:" while they were complying with this order, he called out, "Stand by." Things now became highly critical, as I was impressed with the full conviction, that the moment his people had loaded, he would throw in his fire, and charge, which from the great disparity of numbers, must infallibly have terminated in his favor. Under these trying circumstances, there appeared to me but one measure left, and that was, by cutting off the ring-leader, to destroy the source of contention. This I adopted, having first called to the deceased, and asked him whether he refused to obey my orders; a question which at the moment appeared to me the shortest and most decisive; and having received his answer in the affirmative, I hastened to Lieutenant Milward,

from

from whom I took a pistol, and having returned to the spot, where I thought the deceased was; I called out, "Where is Mr. Peterson?" Somebody answered, "Here he is." I repeated the question: he then answered with much arrogance, "Here I am, Sir, damme;"—I then walked close up to him, and having cocked my pistol in his presence, I presented it to his breast, repeating the question I had before put to him, saying, "Do you still persist in refusing to obey my orders?" Upon this he plainly and distinctly replied, "I do, Sir." I instantly shot him dead: and having jumped back to avoid the fate which I thought awaited me, from the people of the *Perdrix*, who then surrounded me, I called out to my marines to support me: much however, to the credit of the seamen of the *Perdrix*, this was unnecessary, they attempted nothing. I then told them I had shot Mr. Peterson for mutiny; and Mr. Crawford the master, having now become the commanding officer, I summoned him to dismiss the ship's company of the *Perdrix*, which he, after allowing me to repeat my order two or three times, with a very bad grace complied with, and every thing was restored to peace and good order.

This Sir, is a true, and I trust, impartial account of the late melancholy transaction, which took place at Antigua, and which from the consequence it is of to me, that it should be thoroughly understood, I have minutely, perhaps triflingly detailed. As a circumstance of this moment, however justifiable it may appear in the eyes of my brother officers, cannot pass without some discussion in the world,—I beg leave to request that you will be pleased to grant me a Court Martial; first, on myself,

myself, and secondly on Mr. Crawford, Master of the *Perdrix*, upon two separate charges; the one for having with-held his assistance in apprehending a prisoner, contrary to the thirty-second article of war, the other for not having done his utmost in suppressing the late mutiny, agreeable to the twentieth article of war.

I have the honor to be, &c.

CAMELFORD.

*Henry Harvey, Esq. Rear Admiral
of the Red, Commander in Chief,
&c. &c. &c.*

LORD Camelford's order called for, and an attested copy of the same produced to the Court.—All the evidences ordered to withdraw, but in a few minutes Mr. CLEMENT MILWARD, acting Lieutenant of the *Favorite*, called and sworn.

Court. Q. Do you know the prisoner?

A. Yes.

Q. Have you heard his application for a Court Martial, read?

A. Yes.

Q. Relate to the Court what you know respecting the circumstances mentioned in that letter.

A. On the evening of the 13th instant, I received orders from Lieutenant Parsons, to take a party of marines and go over the water, and arrest Lieutenant Peterfon,

Peterfon, and bring him over to him. If I could not take him without force of arms, and endangering his life, I was to acquaint Lord Camelford for my further orders. I took the party of marines over the water, landed them on the oppofite fide, and marched them to the mefs-room door of the capftan-houfe, where Lieutenant Peterfon was. I there met two feamen, centinels, with fixed bayonets. They asked me what I wanted? I told them to fee Lieutenant Peterfon on fervice. They faid I could not go up ftairs without permission of the commanding officer.—I told them to fend a fervant up ftairs to acquaint Mr. Peterfon.—The fervant came down with permission for me to come up ftairs. I went up ftairs and related the orders I had received from Lieutenant Parsons.—His answer was, “ I will not go,” and immediately rofe up from his chair, and went to a table at the further end of the room, and brought a fword and a brace of pistols with him. I called my marines up ftairs. He told me if I did not go down, he would run me through; and immediately made a pafs at me. I then told the marines to feize him; but finding him refolute, and that I could not take him without endangering his life, I ordered the marines to ftop. He walked to the other end of the room, and defired Mr. Crawford, Master of the Perdrix, to arm himfelf.—He rapped at the bulk-head, and called a Mr. Mattocks (one of the petty officers) of the Perdrix.—He then went to the window, and called out, “ Perdrix’s, Perdrix’s, arm yourfelves.”—He called out, “ Mr. Maddocks or “ Matthews,” I don’t know which, “ get the people “ under arms.”—I then heard Lord Camelford call out,

out, "Mr. Milward."—I answered.—Lord Camelford called again.—I answered.—Lord Camelford then said, "Desist, desist, come down stairs."—I went down with my marines.—I met Lord Camelford a short distance from the Capstan-house.—He said, "We will avoid as much bloodshed as we possibly can."—He went down to the wharf, and hailed the Favorite. During the time we waited for the boat, we walked up and down the wharf, twice or thrice. Lord Camelford seemed very uneasy. The Perdrix's men were then turning out under arms. I heard Lieutenant Peterfon ask them if they were ready.—They answered, "No Sir."—Lieutenant Peterfon then said, "Load with ball cartridge, and fix bayonets."—Lieutenant Peterfon then said, "Are you ready?"—Lord Camelford then asked me if I was armed.—I told him I was.—He asked me if I had pistols.—I told him I had.—He then asked me for one of them, I gave him one.—He asked me if it was loaded.—I told him it was.—He then walked towards the Perdrix's men, and asked for Lieutenant Peterfon, somebody answered, "He is here, Sir."—Lord Camelford then called Mr. Peterfon again.—Mr. Peterfon answered, "I am here, damme, Sir."—Lord Camelford went up to him, and asked him if he still persisted in disobeying his orders.—"I do, Sir," Lieutenant Peterfon answered.—I then heard the report, and saw the flash of a pistol (was seven or eight yards distant at the time) and saw Lieutenant Peterfon fall back.—Lord Camelford jumped back, and called me, "Assist me, marines."—I then went to him with the marines.—He addressed the Perdrix's ship's company, and said they were

were very right in obeying their officer's orders.—He then told them Mr. Crawford was now become commanding officer.—He went up to Mr. Crawford, and told him to dismiss his ship's company.—He repeated it twice to Mr. Crawford.—He then walked down to the water side, and went over in the boat with the marines.

Q. Did you receive any orders on that day, prior to that given for putting Mr. Peterfon under an arrest?

A. I did.

Q. What were they?

A. Go over and acquaint Lieutenant Peterfon to get his ship's company in readiness, and under arms, to be ready at a moment's warning.

Q. What was the answer?

A. Mr. Peterfon wondered at Lord Camelford's sending over such a message.

Q. What occasioned that message to be sent?

A. An alarm fired on the island, by the signal made from the fort, that the ships which occasioned the alarm, were standing in for Falmouth or English Harbour.

Q. Did you report the answer of Mr. Peterfon to Mr. Parsons?

A. Yes.

Q. Did you receive any orders in consequence of that report?

A. No.

Q. Do you recollect an order given by Captain Mainwaring, of the Babet, when senior officer at English Harbour, to row guard at the entrance of the harbour?

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A. I do.

A. I do.

Q. Did you receive a letter from Lord Camelford to deliver to Lieutenant Parsons, to forward to Lieutenant Peterfon?

A. Yes.

Q. (*Letter marked No. 1, shewn him.*) Is that the Letter?

A. Yes, I wrote it, and Lord Camelford signed it in my presence.

Letter read and verified by Mr. Milward, viz.

SIR,

YOU will be pleased to acknowledge the receipt of the enclosed letter on service. I am, &c.

CAMELFORD.

Lieut. Charles Peterfon.

By Lieutenant Lord Camelford, Commanding His Majesty's Sloop Favourite, and senior Officer of His Majesty's Ships and Vessels lying in English Harbour Antigua.

You are hereby required and directed to carry into execution that order of Jemmett Mainwaring Esq. Captain of His Majesty's Ship Babet, and late Commanding Officer of this Port, which respects keeping a guard at the entrance of this Harbour, with this difference, that a Midshipman of trust is to be put in charge of the boat, in lieu of a Commissioned or Warrant Officer, and that she is to be kept at a grapnel
in

in the entrance of the harbour in lieu of rowing guard.

Given under my hand on board His Majesty's Ship, Favorite, this 13th day of January, 1798.

CAMELFORD.

Lieutenant Charles Peterfon,

Commanding Officer of H. M. Ship Perdrix,

in the room of William Charles Fabie Esq.

Captain, absent on leave.

Q. Do you know if the letter was sent?

A. Yes, I saw it delivered to Mr. Granger.

Q. Do you know of any answer from Lieutenant Peterfon?

A. None.

Q. Did you receive no further orders from that time, till the period, when you were directed to arrest Mr. Peterfon?

A. No.

Q. What time intervened from the first message, to sending orders for the arrest of Lieutenant Peterfon?

A. The first order I received was about half after three, and the next order was about half after nine.

Lord Camelford, asked.

Q. How long was it from the time, that the first notice or disturbance was heard in the mess room, to the time that I called to you to desist and bring your marines down?

A. Between four and five minutes.

Q. Did not Lieutenant Peterfon call out "stand by" while the Perdrix's people were in the act of loading?

A. He did.

Q. Did you conceive he would fire upon us as soon as he was ready?

A. It had every appearance that he would.

Q. Did you not come to me after I had fired my pistol, and present a cartridge to me, requesting me to load, as there would be more of it?

A. I did.

Q. When I addressed the Perdrix's ship's company, and told them they had done their duty in obeying the orders of their immediate superior, did I not order them at the same time to dismiss?

A. He did.

Q. Do you conceive that had I used harsh or arrogant means with them they would have broke as readily as they did?

A. I do not know.

Q. Exclusive of the alarm that had been fired from the Fort, had not an action been seen in the course of the day in the Offing?

A. It was the report at the time.

Q. Do you not know moreover that I sent a petty Officer to communicate with the Commanding Officer of the Troops on the ridge respecting the alarm?

A. I do.

Court. Q. Did any doubt exist in your breast which was the Commanding Officer of the Naval Force at English Harbour, Lord Camelford, commanding the Favourite, or Lieutenant Peterson of the Perdrix?

A. Lord Camelford in my opinion was Commanding Officer at the time, and I had told Mr. Peterson so several times.

Q. Who

Q Who was in the room with Lieutenant Peterfon, when you went to put him under arrest?

A. Mr. Crawford the Master, and Mr. Piguénit the Purfer of the Perdrix?

Q. Did it appear to you that Lieutenant Peterfon was sober at the time?

A. I cannot say.

Q. Was it a doubtful matter with you whether he was drunk or sober?

A. It was, and I mentioned it to Lord Camelford.

Q. Was his answer given to you in a cool deliberate manner?

A. No, on the contrary, he was in a great rage.

Witness ordered to withdraw, and Mr. WILLIAM GRANGER, Master's Mate of the Favorite, called and sworn.

Q. Court. Do you know the prisoner?

A. Yes.

Q. Have you heard his application for a Court Martial read?

A. Yes.

Q. Did you carry a letter from Lieutenant Parsons of the Favorite, to Lieutenant Peterfon, of the Perdrix, on the evening of the 13th instant, on service?

A. I did.

Letter marked No. 1, shewn him.

Q. Is that the Letter?

A. I believe it is.

Q. Did you know the contents of the letter when you carried it?

A. No.

Q. Did

Q Did you deliver it into the hands of Lieutenant Peterfon?

A. Yes.

Q. Did he read it in your prefence?

A. He broke it open and read it directly.

Q. What was his answer?

A. He defired me to tell them they were very prefumptuous in writing to him in that manner; and then difmiffed me. I then went over the water and acquainted Lieutenant Parsons, the commanding officer of the Favorite, what Lieutenant Peterfon had faid to me.—I went to my duty, and was called in about a quarter of an hour afterwards, and fent by Lieutenant Parsons, with a meffage to Mr. Crawford, Master of the Perdrix, to put Lieutenant Peterfon under an arreft, and take the charge of the Perdrix. I was asked by Mr. Piquenit, the Purfer of the Perdrix, then prefent, whether Lord Camelford was acquainted with it. I told him I fupposed fo, but I had got my orders from the commanding officer.

Q. What answer did Mr. Crawford make?

A. He made none; but Mr. Peterfon directed Mr. Piquenit, Purfer, to take my meffage down in writing, and then read it over and ordered me to fign it, which I did; and then when I was going away, Mr. Peterfon repeated feveral times, his former meffage, that they were prefumptuous in fending him letters and meffages of that fort. On which I returned over to Lieutenant Parsons again, and related what had paffed, and fhortly after, I got a letter from Lieutenant Parsons to Lord Camelford, which I delivered to Lord Camelford.

Lieutenant

Lieutenant Peterfon's letter or order, marked No. 2, to Lord Camelford, was then shewn him.

Q. Is that the letter?

A. It was dark, and I did not take notice.

Q. What time in the evening was it you went on the first message to Lieutenant Peterfon?

A. Nearly eight o'clock in the evening.

Q. Were there two sentries at the door of the mess-room, and how were they armed?

A. There was one sentry with a cutlass; if there was another, I did not see him.

Lord Camelford. Q. Did the sentry oppose your going up stairs, till he had acquainted the commanding officer?

A. Never.

Witness ordered to withdraw, and SERJEANT JOHN LEACHLAND, of the Favorite, called and sworn.

Court. Q. Do you know the prisoner?

A. Yes.

Q. Have you heard his application for a Court Martial, read?

A. Yes.

Q. Were you of the party that went with Lieutenant Milward, to arrest Lieutenant Peterfon, of the *Perdrix*, the evening of the 13th instant?

A. Yes.

Q. Relate to the Court what you know respecting the circumstances mentioned in Lord Camelford's said Letter.

A. On the 13th instant, at nine o'clock in the evening, I was ordered by Lieutenant Parsons, to assist
Mr.

Mr. Milward with six marines, in taking Mr. Peterfon and putting him under arrest. When we landed on the other side, Mr. Milward ordered us to follow him. When we came to the mess-room stairs, the two sentinels stopped us.—Mr. Milward sent up a little boy, to know if Mr. Peterfon would let him come up.—Mr. Milward went up by leave, and I remained below with the party.—In a few minutes, Mr. Milward ordered us to come up, which we did.—When we came up, Mr. Peterfon ordered us down again immediately.—I told him we would not, unless our commanding officer gave us leave. Mr. Peterfon made a push with his sword at Mr. Milward.—Mr. Milward knocked it back again with another sword.—Then immediately Lieutenant Peterfon went to his cot, and took out two pistols, one he put on the table, the other he kept in his hand.—The Master of the *Perdrix* took the other up, and pointed it towards me, and ordered me to go out of the room.—I told him I would not, there was my commanding officer there (meaning Mr. Milward.)—Immediately Mr. Peterfon went to the window, and sung out, “*Perdrix’s, Perdrix’s, turn out here.*”—Then Mr. Peterfon went to the bulk-head, and said, “*Turn out all officers.*”—Immediately Lord Camelford came to the foot of the stairs, and ordered the marines to come down, and to follow him, which we did.—Lord Camelford ordered me to draw up the marines in face of the *Perdrix’s*, which I did.—Lieutenant Peterfon ordered the *Perdrix’s* to prime and load with powder and ball.—Lord Camelford hearing Mr. Peterfon’s voice, went to him, and asked him if he would obey his orders, or not.—He said, “*No, Sir, I will not.*”

“ not.”—Lord Camelford asked him a second time, the same question.—He told him, “ I will not.”—Immediately Lord Camelford took a pistol and held it to him, and asked him a third time if he would obey his orders.—He answered he would not, and Lord Camelford shot him immediately.—Lord Camelford said, “ I have shot Lieutenant Peterson for mutiny.”—Lord Camelford asked the Master of the Perdrix, whether he would obey his orders or not.—He answered, “ Yes.”—Lord Camelford ordered him to dismiss his men immediately, and put by their arms.

Q. Was you on board when Lord Camelford took command of the Favorite ?

A. Yes.

Q. Did you hear his order read ?

A. Yes.

Q. Was Lieutenant Peterson First Lieutenant of the Favorite at the time.

A. Yes.

Q. Did he execute Lord Camelford's orders, as he had usually done under former Captains ?

A. Yes, to the best of my knowledge.

Q. How long was Lieutenant Peterson under Lord Camelford's command ?

A. About three months.

Q. At the time of Lord Camelford's firing at Lieutenant Peterson, were the Perdrix's ship's company loading their muskets, or were they loaded before ?

A. I heard the ram-rods rattling, but it was too dark to see what they put in their musquets.

Q. When you were called up stairs to assist Lieutenant Milward, what situation did you perceive Mr. Peterson in ?

F

A. Standing

Mr. Milward with six marines, in taking Mr. Peterfon and putting him under arrest. When we landed on the other side, Mr. Milward ordered us to follow him. When we came to the mess-room stairs, the two sentinels stopped us.—Mr. Milward sent up a little boy, to know if Mr. Peterfon would let him come up.—Mr. Milward went up by leave, and I remained below with the party.—In a few minutes, Mr. Milward ordered us to come up, which we did.—When we came up, Mr. Peterfon ordered us down again immediately.—I told him we would not, unless our commanding officer gave us leave. Mr. Peterfon made a push with his sword at Mr. Milward.—Mr. Milward knocked it back again with another sword.—Then immediately Lieutenant Peterfon went to his cot, and took out two pistols, one he put on the table, the other he kept in his hand.—The Master of the *Perdrix* took the other up, and pointed it towards me, and ordered me to go out of the room.—I told him I would not, there was my commanding officer there (meaning Mr. Milward.)—Immediately Mr. Peterfon went to the window, and fung out, “*Perdrix’s, Perdrix’s, turn out here.*”—Then Mr. Peterfon went to the bulk-head, and said, “*Turn out all officers.*”—Immediately Lord Camelford came to the foot of the stairs, and ordered the marines to come down, and to follow him, which we did.—Lord Camelford ordered me to draw up the marines in face of the *Perdrix’s*, which I did.—Lieutenant Peterfon ordered the *Perdrix’s* to prime and load with powder and ball.—Lord Camelford hearing Mr. Peterfon’s voice, went to him, and asked him if he would obey his orders, or not.—He said, “*No, Sir, I will*
“ not.”

“ not.”—Lord Camelford asked him a second time, the same question.—He told him, “ I will not.”—Immediately Lord Camelford took a pistol and held it to him, and asked him a third time if he would obey his orders.—He answered he would not, and Lord Camelford shot him immediately.—Lord Camelford said, “ I have shot Lieutenant Peterson for mutiny.”—Lord Camelford asked the Master of the Perdrix, whether he would obey his orders or not.—He answered, “ Yes.”—Lord Camelford ordered him to dismiss his men immediately, and put by their arms.

Q. Was you on board when Lord Camelford took command of the Favorite ?

A. Yes.

Q. Did you hear his order read ?

A. Yes.

Q. Was Lieutenant Peterson First Lieutenant of the Favorite at the time.

A. Yes.

Q. Did he execute Lord Camelford's orders, as he had usually done under former Captains ?

A. Yes, to the best of my knowledge.

Q. How long was Lieutenant Peterson under Lord Camelford's command ?

A. About three months.

Q. At the time of Lord Camelford's firing at Lieutenant Peterson, were the Perdrix's ship's company loading their muskets, or were they loaded before ?

A. I heard the ram-rods rattling, but it was too dark to see what they put in their musquets.

Q. When you were called up stairs to assist Lieutenant Milward, what situation did you perceive Mr. Peterson in ?

F

A. Standing

A. Standing by the table, with a drawn sword alongside of him on the table, and when he saw us he took it up immediately.

Q. Did he strike at Mr. Milward first?

A. Yes.

Q. Did he appear to you to be sober?

A. He was as sober at that time, as ever he was while I sailed with him.

Lord Camelford. Q. Was there any noise or disturbance in the room, before you were called up by Lieutenant Milward?

A. None, till we came up.

Q. From the time you went up, till I called you down, how long was it?

A. About eight or nine minutes.

Q. When you first came down out of the mess-room, did you see any number of men under arms, belonging to the *Perdrix*?

A. Between thirty and forty.

Q. How long was it from the time I called you down, to the time you came down?

A. Immediately.

Q. Did not the Master continue to hold a pistol to your breast, till you told him you would cut his head off, or words to that effect?

A. Yes.

Q. Did you not conceive, that as soon the *Perdrix's* company were ready to fire, they would begin?

A. Yes.

Q. Do you not conceive, that Mr. Peterson headed that ship's company, and that they would have obeyed his orders?

A. Yes.

Witness ordered to withdraw, and CORPORAL WILLIAM BUNKIN, *of the Favorite, called and sworn.*

Court. Q. Do you know the prisoner?

A. Yes.

Q. Have you heard his application for a Court Martial read?

A. Yes.

Q. Was you of the party of marines, on the 13th instant, that went with Mr. Milward, to arrest Lieutenant Peterfon, of the Perdrix?

A. Yes.

Q. Relate to the Court what you know respecting the circumstances mentioned in Lord Camelford's said letter.

A. When I came over, I was ordered by Mr. Milward to follow him, and we went up in the room to take Mr. Peterfon as a prisoner; Mr. Peterfon pointed his sword at Mr. Milward, and Mr. Milward defended the sword off with his own.—Immediately Mr. Peterfon dropped his sword, and a brass pistol on the table.—Then the Master took up the brass pistol, and shoved the Serjeant back, and the Serjeant made answer, that his commanding officer was there; that he would obey his commanding officer, meaning Mr. Milward.—Mr. Crawford shoved him back, and ordered us all out of the room.—The Serjeant said, "Don't shove me, I have my commanding officer here, and will cut your head off directly."—Mr. Peterfon called out for the Perdrix's, and then asked if they were all ready, or not.—Then my Lord came to the stairs door, and called Mr. Milward.—Mr. Milward answered, "Here Sir," and went down directly.—Lord Camelford or-

dered him to draw up the men before the door.—Then Mr. Peterfon came down and said, “Perdrix’s!”—“Sir,” they answered.—He then said, “Are you all ready.”—They answered, “No, Sir.”—He then said, “Load “with powder and ball.”—My Lord came round to the left of me, and asked for Mr. Peterfon.—Mr. Peterfon said, “I am here.”—My Lord said, “Will you “obey my orders.”—He said, “No.”—He asked him again, if he would obey his orders.—He answered, “No.”—Then my Lord put his pistol to Lieutenant Peterfon’s breast, and asked the question again.—He answered, “No,” the third time; and my Lord fired directly on which he fell down.—When my Lord had fired, he turned round, and said to Lieutenant Milward, “I “have shot Mr. Peterfon for mutiny.”—After that, my Lord went up to the Master of the Perdrix, and asked him if he would obey his orders, or not.—The Master said, “Yes, my Lord.”—So my Lord said, “Perdrix’s, by my orders you will dismiss.”—Accordingly it was done.

Q. Was you on board when Lord Camelford took command of the Favorite?

A. Yes.

Q. Did you hear his order read?

A. Yes.

Q. Was Lieutenant Peterfon First Lieutenant at the time?

A. Yes.

Q. Did he execute Lord Camelford’s orders, as he had usually done under former Captains?

A. Yes.

Q. How

Q. How long was Mr. Peterfon under Lord Camelford's command?

A. About three months.

Q. At the time of Lord Camelford's firing at Mr. Peterfon, were the Perdrix's ship's company loading their musquets, or were they loaded before?

A. Loading.

Q. When you were called up stairs to assist Lieutenant Milward, what situation did you perceive Mr. Peterfon to be in?

A. Inside the table opposite the door, with his sword in one hand, and his pistol in the other.

Q. Did he strike at Lieutenant Milward first?

A. Yes.

Q. Did he appear to you to be sober?

A. No, I believe he was in liquor.

Lord Camelford. Q. From the time you went up, to the time I called you down, how long was it?

A. Four or five minutes, to the best of my knowledge?

Q. When you just came down out of the mess-room, did you see any number of men under arms, belonging to the Perdrix?

A. Between thirty and forty.

Q. How long was it from the time I called you down, to the time you came down?

A. About a minute.

Q. Did not the Master continue to hold a pistol at the Serjeant's breast, till he told him he would cut his head off, or words to that effect?

A. No, he did not hold the pistol to his breast, but kept it in one hand, and pushed him with the other.

Q. Did

Q. Did you not conceive, that as soon as the Perdrix's ship's company were ready to fire, they would begin?

A. They would, I believe, if my Lord had not stopped it, by shooting the Lieutenant.

Q. Did you not conceive, that Mr. Peterson headed that ship's company, and that they would have obeyed his orders?

A. Yes, I believe they would.

Witness ordered to withdraw, and the Court cleared. When opened, which was in about half an hour, JAMES GARDNER, Seaman, of the Favorite, called and sworn.

Court. Q. Do you know the prisoner?

A. Yes.

Q. Have you heard his application for a Court Martial read?

A. Yes.

Q. Relate to the Court what you know respecting the circumstances mentioned in that letter.

A. The first I heard of it, was a noise in Lieutenant Peterson's mess-room, a little after nine, I think. His Lordship going down stairs, I followed him.—We got half way across the yard.—I heard Mr. Peterson halloo out to the Perdrix's, out of the window, ordering them to get under arms immediately.—His Lordship then went down to the wharf, hailing the Favorite, telling Mr. Parsons to send the rest of the Favorite's over immediately.—His Lordship then went to the stairs of Mr. Peterson's mess-room, in the cap-
stan-

stan-house, in the yard, calling Mr. Milward, telling him to come down, and to bring his people with him.—Mr. Peterfon following them down; when he came down, he asked his people if they were ready.—They answered him, “No.”—He then told them to “Prime and load with ball.”—He ordered them to draw up, and stand by.—His Lordship then called for Mr. Peterfon.—Mr. Peterfon then answered, “Here am I.” His Lordship asked him, if he would obey his orders.—Mr. Peterfon replied, “No.”—His Lordship repeated the words again.—Mr. Peterfon answered, “No, I will not.”—That minute Mr. Peterfon fell, being shot by Lord Camelford.—His Lordship then called for Mr. Milward, and said, “I have shot Mr. Peterfon for mutiny.”—His Lordship then called for Mr. Crawford.—Mr. Crawford made answer, “I am here, my Lord.”—His Lordship then asked him, if he would obey his orders.—Mr. Crawford made answer, “Yes.”—His Lordship then told him to dismiss his people.—His Lordship then asked where are the Perdrix’s?—They answered, “Here, my Lord.”—His Lordship then said, “You have done your duty like men, in obeying your officer’s orders, so now dismiss.”

Q. Were you near his Lordship’s person, when Lieutenant Peterfon fell?

A. Yes.

Q. Did you observe a pistol in his hand?

A. Yes.

Lord Camelford. Q. Did you see me present the pistol to Lieutenant Peterfon?

A. Yes.

Q. Did

Q. Did you hear me speak to Lieutenant Peterfon, between the time of my presenting the pistol to Lieutenant Peterfon, and the time of my firing?

A. Yes.

Witness ordered to withdraw, and LIEUTENANT MILWARD called again.

Question from Lord Camelford. Did you not conceive Lieutenant Peterfon to be in a state of mutiny, at the head of the Perdrix's ship's company, when they were drawn up under arms in the yard?

A. Yes.

Q. Do you conceive that I could have adopted any measures, to have secured the person of Lieutenant Peterfon, at that time, without bloodshed ensuing; and if you do, what are they?

A. No, I know of none at that time.

Court. Q. Did you communicate to Lieutenant Parsons, Mr. Peterfon's determination to refuse Lord Camelford's orders.

A. I did, about three o'clock that afternoon.

Q. Did you hear from Mr. Peterfon, or any person else, his reasons for that determination?

A. I heard it from Mr. Peterfon, supposing himself to be commanding officer of the port.

Q. At that time did he say what rank he considered Lord Camelford to hold?

A. I did not hear him.

Q. When you communicated with Mr. Peterfon, at three o'clock that afternoon, what centinels were at the door, and how were they armed?

A. One man with a cutlafs.

Witness

Witness ordered to withdraw, and GEORGE WALTER-MAN, Marine, *of the Favorite, called and sworn.*

Court. Q. Do you know the prisoner.

A. Yes.

Q. Have you heard his application for a Court Martial read?

A. Yes.

Q. Was you of the party which went with Lieutenant Milward, to arrest Lieutenant Peterfon, on the evening of the 13th instant?

A. Yes.

Lord Camelford. Q. Did you see me walk up to him previous to it?

A. I heard his Lordship call Mr. Peterfon first, and he answered; "Here am I."—My Lord said, "Will you obey my orders or not."—He answered, "No."—His Lordship asked him a second time, "Will you obey my orders."—He answered, "No, I will not."—With that Mr. Peterfon fell, shot by Lord Camelford.

Q. When I went up to Mr. Peterfon, did I fire the pistol at once, or present it for any time?

A. Held it to his breast two or three minutes.

Court. Q. Was there time for Mr. Peterfon to have spoken to Lord Camelford, or to have removed himself, if he had thought proper, before he fired?

A. Yes.

Lord Camelford. Q. Did you see me cock the pistol?

A. No.

Q. How far was you from me?

A. About five or six yards.

Witness ordered to withdraw, and Mr. MASSER CRAWFORD, Master of the Perdrix, called and sworn.

Q. Do you know the prisoner?

A. Yes.

Q. Have you heard his application for a Court Martial, read?

A. Yes.

Q. Relate to the Court what you know respecting the circumstances mentioned in that letter.

A. On Saturday the 13th January, about ten minutes after eight, Mr. Granger, a petty officer of the Favorite, delivered a letter on service to Lieutenant Peterfon, then in the mess-room, at the Capstan-house.—Mr. Peterfon, some time afterwards, desired Mr. Granger to inform Lord Camelford, “He was astonished at his presumption.”—Mr. Granger, some time afterwards, returned with a verbal order from Lord Camelford, for Lieutenant Peterfon to conceive himself under an arrest, and for me to act as commanding officer.—Mr. Peterfon desired Mr. Granger to say, he was again astonished at his presumption.—Mr. Peterfon then gave me a letter on service, to deliver to the commanding officer of the Favorite, which I did.—Some time afterwards, Mr. Peterfon doubled the sentries at the door of the mess-room Capstan-house.—Mr. Milward, Lieutenant of the Favorite, I cannot exactly say at what time of the night, came to the door of the mess-room, and desired admittance.—Mr. Peterfon enquiring his name, desired him to walk up.—When he came to the top of the steps, he called out to the marines to follow him.—Immediately there was
a party

a party of marines in our mess-place.—Mr. Peterfon walked to his table, took up a drawn sword.—Mr. Milward at the same time walking towards him, informed him he was come to take him by force of arms, over to the other Capstan-house, to put him under an arrest.—Mr. Peterfon again walked to his private table, brought out a pair of pistols, and laid them on the mess-table; at the same time desired me to arm myself.—Mr. Peterfon advanced towards Mr. Milward, pointing the sword at his breast, ordering him with the party of marines down stairs.—Mr. Peterfon at the same time went to the window, and desired the Perdrix's to turn out, and went to the partition and knocked with his sword, calling to the gunner and boatswain to turn out and arm the people.—Looking round, the Favorite's officer and marines had retired.—I walked down stairs, and saw the people turning out and arming.—Shortly afterwards Mr. Peterfon came down stairs, and called to the Perdrix's, "Prime and load."—I heard Lord Camelford call out, "Where is Mr. Peterfon."—Mr. Peterfon answered, "Here I am, Sir."—Lord Camelford stepped up close to him, and asked him, if he still persisted in disobeying his orders.—Mr. Peterfon said, "I do, Sir."—A pistol immediately went off, and I saw Mr. Peterfon fall.—I examined to see if he was dead or not.—Seeing him dead, I immediately stepped forward, called out to our people, "Stop, a vast loading your pieces, Mr. Peterfon is shot, return your arms, dismiss."—At the same time heard Lord Camelford call me, "Mr. Crawford, your commanding officer is killed, for downright mutiny, dismiss the people,

“ return their arms, and conceive yourself commanding officer of the Perdrix.”

Lord Camelford's letter to Mr. Peterfon, marked No. 1. shewn to the witness.

Q. Is that the letter Mr. Peterfon received from Lord Camelford?

A. Yes.

Lieutenant Peterfon's order in the paper, marked No. 2, read and verified by the witness, viz.

By Lieutenant Charles Peterfon, commander of His Majesty's ship Perdrix, and senior Officer of His Majesty's ships, *for the time being*, in English Harbour.

WHEREAS the island of Antigua is now under an alarm.

You are hereby required and directed to cause the crew of His Majesty's sloop Favorite, under your direction, to hold themselves in readiness to man the batteries round this harbour; also to cause a guard to be rowed round the entrance of this harbour, during this night, and report to me their proceedings in the morning.

Given under my hand, on board His Majesty's ship Perdrix, in English Harbour, Antigua, the 13th January, 1798.

CHARLES PETERSON.

*Lieut. Lord Camelford,
His Majesty's sloop
Favorite.*

Q. Is

Q. Is the signature to that order, Lieutenant Peter-son's hand writing?

A. Yes.

Q. Is that the letter you carried from Lieutenant Peter-son, to the commanding officer of the Favorite?

A. To the best of my knowledge it is.

Q. Did Mr. Peter-son give any reasons for the answer you stated to have been sent to Lord Camelford?

A. No.

Q. Did you at any time hear him say, why he considered himself commanding officer, then at English Harbour?

A. Yes.

Q. State what they were.

A. The Admiral's directions to Lord Camelford, in his letters on service, were directed to Lieutenant Lord Camelford, and that he, Mr. Peter-son, was a senior Lieutenant on the list to Lord Camelford.

Q. Did Mr. Peter-son give his reasons for doubling the centinels at the door?

A. No.

Q. To whom did he give the orders for doubling the centinels at the door?

A. To the Master at Arms.

Q. Do you know the orders?

A. No.

Q. Had the sword which you mention Lieutenant Peter-son to have taken up, been previously drawn, before the arrival of Lieutenant Milward?

A. I don't know.

Q. Were his pistols loaden previous to the arrival of Mr. Milward?

A. I believe

A. I believe they were.

Q. Do you know when they were loaded ?

A. I don't know.

Q. Did Mr. Peterfon take them with him when he went below, or his sword ?

A. No pistols, but his sword.

Q. Do you suppose had Lord Camelford taken him by the collar, he would have directed his people to use violence ?

A. I can't say, but I believe his people were drawn out to prevent his being arrested.

Q. Until he knew Lord Camelford was on the side of the water, where the Perdrix's people were, were any of your ship's people armed, exclusive of the sentinels ?

A. Not to my knowledge.

Q. Did you ever hear Mr. Peterfon say in conversation, why, while he was Lieutenant of the Favorite, under Lord Camelford's command, he obeyed his Lordship's orders.

A. I never did.

Court adjourned at four o'clock, until Monday morning at half past seven, 22 January, 1798, when the Court met.

Mr. CRAWFORD *called in again.*

Court. Q. Did you ever see Lord Camelford previous to the night of the 13th instant ?

A. Yes, frequently.

Q. In what uniform did he at those times appear ?

A. In a Lieutenant's.

Q. What

Q. What dress was he in, the night of the 13th instant?

A. The night was so dark, that I cannot positively say.

Q. Did you ever see him in a Commander's coat?

A. No.

Q. Did you ever hear Lieutenant Peterson say, whether he considered him as a Commander, or as a Lieutenant sent by the Commander in Chief, to command the Favorite, in the absence of her Captain, sick on shore?

A. Never did.

Q. How long was the Favorite and Perdrix in English Harbour together, previous to the event of the 13th?

A. About two months, or more.

Q. Had any difference on service, between Lord Camelford and Lieutenant Peterson, arisen previous to that on the evening of the 13th?

A. Not to my knowledge.

Q. To your knowledge, had any quarrel, of a public or private nature, subsisted between them?

A. Not to my knowledge.

Q. Did you see Lord Camelford immediately before the pistol, which killed Lieutenant Peterson, was fired?

A. Yes, I was within six inches, I suppose, of Lord Camelford, when the pistol went off.

Q. Had Lord Camelford any other arms than the pistol which he fired?

A. I did not see any.

Q. Did

Q. Did you hear Lord Camelford call out to the marines to desist, when up stairs.

A. No.

Q. Did you hear Lord Camelford ask Lieutenant Milward whether the pistol was loaded when he gave it to him?

A. No.

Q. Did you observe Lieutenant Milward hand the pistol to Lord Camelford?

A. No.

Q. Did you observe Lord Camelford present the pistol to the breast of Lieutenant Peterson?

A. Yes, I did.

Q. Was there time sufficient for answering Lord Camelford, before he fired?

A. I heard Mr. Peterson answer.

Q. How often was the question from Lord Camelford repeated, "do you persist in resisting my orders?"

A. Only once.

Q. How far were the Favorite's from the Perdrix's people?

A. The night was dark, about ten yards.

Q. Was it possible for Mr. Peterson to have heard the question put to Mr. Milward by Lord Camelford, respecting the pistol being loaded?

A. I did not hear it myself.

Q. Do you think Mr. Peterson, if his person had been arrested, would have given orders for his people to fire?

A. I can not say.

Q. What was the purpose of the Perdrix men arming?

A. I

A. I imagine to protect the body of Lieutenant Peterfon from being put under an arrest.

Q. Did they arm by Lieutenant Peterfon's order?

A. Yes, they did.

Q. Did Mr. Peterfon come down stairs from the mess room with his sword drawn?

A. To the best of my knowledge he did, as the sword was found lying beside him drawn, when shot.

Q. How many men of the Perdrix's do you suppose were under arms?

A. I can't say, they were all on shore at the capstan house, to the best of my knowledge.

Q. Do you know what number of arms were at the capstan house?

A. I believe all the small arms belonging to the ship.

Q. What quantity of ammunition was on shore for those arms at the capstan house?

A. I can't say.

Q. Was there any?

A. Yes.

Q. Were the arms prepared in consequence of the alarm, that had been fired on the Island?

A. I was delivering the letter on service to the Commanding Officer of the Favorite, at the time the arms were examined?

Q. What time of the night was it when you delivered that letter?

A. I suppose about a quarter past eight.

Q. Did Lord Camelford order that the Perdrix should take the guard, when you became Commanding Officer?

G

A. Yes,

A. Yes, the order was given verbally by Lieutenant Parsons of the Favorite on that night to me—previous to which Lord Camelford gave me a written order to command the Perdrix for the time being.

Q. What time was the alarm signal made?

A. Before sun set, some time.

Q. Was it discharged that night?

A. No.

Q. What time of the evening did Lord Camelford send to Lieutenant Peterson to hold the Perdrix's ship's company in readiness to act with the military?

A. I don't know.

Q. Did you at any time hear Lieutenant Peterson express his intentions to proceed to extremities with Lord Camelford, rather than be arrested by him, or did he use any words to that effect in your presence?

A. Never.

Q. Was there any report of daily progress sent from the Perdrix to the senior officer, during your stay in English Harbour?

A. Only once to Captain Mainwaring of the Babet.

Q. Did Lord Camelford give any directions to discontinue the guard, after the Babet failed?

A. No.

Q. Did he give any order to Lieutenant Peterson, which might indicate his superiority after the sailing of the Babet, and previous to the order given by him on the 13th instant?

A. Not to my knowledge.

Q. What time elapsed, from the sailing of the Babet, till that order was given?

A. More than four and twenty hours.

Q. Did

Q. Did Lieutenant Peterfon after the Babet failed, give any public directions to you, or any of the inferior officers, to watch the motions of the Favorite—such as hoisting her ensign, ringing her bell, &c.

A. None to me, nor any that I know of.

Q. Were the ships ensigns hoisted at the time of firing the alarm?

A. They were not to the best of my knowledge.

Q. As Lieutenant Peterfon gave you to suppose that he was the senior Officer of the harbour, do you know of any orders he gave in consequence of the alarm being fired; either for the defence of the ships or the dock yard?

A. No. I carried a letter on service to the Commanding Officer of the Favorite, the contents of which I did not know.

Q. Was that letter on service to Lord Camelford delivered after Mr. Peterfon had received one from Lord Camelford?

A. It was.

Lord Camelford. Q. At the time the Perdrix's men were loading, would you have ventured to have stood before them for a space of time, supposing yourself to have been a stranger?

A. If they had not received orders from their officer to fire.

Q. Do you conceive they would have fired if their officer had given orders?

A. Yes.

Q. And do you conceive their officer would have given orders to fire?

(Witness declined answering.)

Court cleared.

Court opened again.—The last question repeated.

A. I can't answer.

Q. Where did you stand, while the Perdrix's people were arming?

A. At the left-hand side of the people—at the left side of his Lordship.

Q. Do you conceive, that the marines drawn up opposite the Perdrix's people, were in danger?

A. I can't answer.

Q. Did you ever hear Lieutenant Peterson express his opinion of me, as of a man with whom he differed?

A. No.

Q. Did you never hear that we did differ?

A. Not to the best of my recollection.

Q. Did I not keep my pistol levelled at Mr. Peterson's breast, from the time I first spoke to him?

A. Yes.

Q. What was your reason for telling the people to stop loading, the moment Lieutenant Peterson fell?

A. Knowing that all Lieutenants are my superior officers.

Q. Did you order the men to stop loading before, or after you had received orders to that purpose, from a Lieutenant?

A. Before.

Q. Did not Mr. Piquenit, the Purser, make some remarks, at the time Mr. Peterson's letter to me, was read before you in the mess-room?

A. The letter was not read before me.

Q. Did you not make some remarks on the impropriety of sending it to me?

A. No.

A. No.

Q. Did any conversation take place between you and Mr. Piguenit, respecting that letter.

A. No.

Q. Did you not know the letter you carried to be mutinous?

A. No.

Q. Did you know the contents of that letter?

A. No.

Q. To what did you attribute the marines going down stairs, when they came with Lieutenant Milward, to arrest Mr. Peterfon.

A. Mr. Piguenit was standing between Mr. Peterfon and Mr. Milward, when I turned and went to the window, and turning round, I observed that the marines and Mr. Milward had left the mess-room.

Q. Did I call to Lieutenant Milward, once or twice to come down?

A. I did not hear you call at all.

Q. Were the arms at all prepared, before you went over with the letter?

A. No.

Court. Q. Had the Perdrix's men their bayonets fixed, at the time they were ordered to be armed by Lieutenant Peterfon.

A. As many as had arms.

Q. When Lieutenant Peterfon fell, had the Perdrix's men loaded, or were they loading?

A. Some were loaded and some loading.

Q. Which party were superior in number, the Favorite's or Perdrix's?

A. The

A. The Perdrix's.

Q. You said you conceived it your duty to obey the orders of any Lieutenant—did you conceive Lord Camelford as a Lieutenant?

A. I did only as a Lieutenant.

Q. Give your reasons.

A. Having heard Lieutenant Peterfon mention, Lord Camelford's letters from the Admiral were directed to Lieutenant Lord Camelford.

Q. Did you ever see any letters addressed to Lord Camelford, on service, from the Admiral.

A. No.

Q. Did you know whether Captain Mainwaring left the port-orders with the prisoner, as next in command, after he failed?

A. No.

Q. How long have you been in the service?

A. Nearly five years.

*An attested copy of LORD CAMELFORD's order, from
ADMIRAL HARVEY, to command the Favorite,
read, viz.*

By Henry Harvey, Esq. Rear Admiral of the Red, and Commander in Chief of His Majesty's ships and vessels employed and to be employed at Barbadoes and the Leeward Islands, and in the seas adjacent.

“ CAPTAIN JAMES HANSON, of
“ His Majesty's sloop Favorite, having by letter, dated
“ the

“ the 12th instant, represented to Captain Thomas
 “ Macnamara Russell, of His Majesty's ship the Ven-
 “ geance, that from a long and gradual decline, his
 “ constitution is so much impaired, and his health in
 “ so very low and languid a state, as to render him
 “ unable to do his duty, requesting (in justice to the
 “ service and himself) that a survey might be held on
 “ his state of health; and Captain Russell (being senior
 “ officer at St. Christopher's, at the above period)
 “ having directed a survey to be taken on him in
 “ consequence, and the surveyors given it as their
 “ opinion, that his immediate removal to a northern
 “ climate, is absolutely necessary for the recovery of
 “ his health, and Captain Hanson having quitted the
 “ said sloop;

“ YOU are, therefore, hereby required and di-
 “ rected to repair on board His Majesty's sloop Fa-
 “ vorite, and take upon you the charge and command
 “ of Commander in her, until further orders, or until
 “ the pleasure of the Lords Commissioners of the Ad-
 “ miralty is known; strictly charging and command-
 “ ing all the officers and company of the said sloop,
 “ to behave themselves jointly and severally in their
 “ respective employments, with all due respect and
 “ obedience unto you, their said Commander; and
 “ you likewise to observe and execute the general
 “ printed instructions, and such orders and directions
 “ as you shall, from time to time, receive from me,
 “ or from any other your superior officer, for His Ma-
 “ jesty's service. Hereof, nor you, nor any of you
 “ may fail, as you will answer the contrary at your
 “ peril;

“ peril; and for so doing, this shall be your war-
“ rant.

“ Given on board the Prince of Wales, Fort
“ Royal Bay, Martinique, 16th Sept. 1797.

“ HENRY HARVEY.

“ *To Lieutenant the Right Honorable*
“ *Thomas Lord Camelford, hereby*
“ *appointed to command His Ma-*
“ *jesty's sloop Favorite, until further*
“ *orders, or until the pleasure of the*
“ *Lords Commissioners of the Admi-*
“ *nistraty is known.*

“ By Command of the Rear Admiral.

“ J. G. BRIGGS.”

The witness ordered to withdraw; and JAMES GARD-
NER, Seaman, of the Favorite, called again.

Court. Q. When Lord Camelford went down
stairs from his lodgings, did he go out armed?

A. No, I could see no arms by his side at all.

Witness ordered to withdraw; and Mr. SAMUEL PI-
GUENIT, Purser, of the Perdrix, called and sworn.

Court. Q. Do you know the prisoner?

A. I do.

Q. Did you hear his application for a Court
Martial read?

A. I did.

Q. Relate to the Court what you know respecting
the circumstances mentioned in that letter.

A. On

A. On Saturday, the 13th of the present month, between the hours of eight and ten, I was sitting in the Capstan-house of the dock-yard at Antigua, when Lieutenant Peterfon received an order from Lord Camelford, to row guard.—Mr. Peterfon returned for answer, “He was astonished at his presumption.”—After, a petty officer came from his Lordship, with a verbal order to Mr. Crawford, Master, to put Lieutenant Peterfon under an arrest, and to take command; to which Lieutenant Peterfon replied, “He was astonished at his presumption.”—Then Lieutenant Peterfon wrote a letter to Lord Camelford, and sent it by Mr. Crawford, Master of the *Perdrix*.—Mr. Crawford returned.—In a few minutes after, Lieutenant Milward came from the *Favorite*, with a party of marines, armed, up into the mess-room, to take Lieutenant Peterfon by force.—Lieutenant Peterfon drew his sword, and made a lunge at Lieutenant Milward, whose sword was drawn also.—The marines went down immediately, as did Lieutenant Milward.—In the mean time, Mr. Peterfon called several times from the window of the mess-room, for the *Perdrix*’s to turn out; and struck against the bulk-head, and called the Gunner and Boatwain.—The mess-room was clear.—I went down stairs; when I got about three yards from the foot of the stairs, I heard somebody ask for Mr. Peterfon, which I perceived to be Lord Camelford.—Lieutenant Peterfon immediately said, “Here I am, Sir.”—Lord Camelford then presented a pistol to the breast of Lieutenant Peterfon, and said, “Do you still persist in disobeying my orders, Sir.”—I did not sufficiently understand Lieutenant Peterfon’s reply.

—The pistol went off, and Lieutenant Peterfon fell dead immediately.—Lord Camelford addressed the people, and said they had done right, by turning out according to their officer's command—that he had shot him dead for the heighth of mutiny, and ordered Mr. Crawford, Master, to dismiss the people, which was complied with immediately.

Lord Camelford's letter to Mr. Peterfon, marked No. 1, shewn the witness.

Q. Is that the letter Mr. Peterfon received from Lord Camelford.

A. It is.

Lieutenant Peterfon's order, in the form, marked No. 2, shewn.

Q. Is the signature to that order, Mr. Peterfon's?

A. It is.

Q. Do you know the contents of that letter?

A. Yes, I do, I wrote it.

Q. By whose order?

A. By Lieutenant Peterfon's, who looked over my shoulder and dictated.

Q. Did Lieutenant Peterfon receive the letter on service, from Lord Camelford, prior to his sending the letter by Mr. Crawford.

A. He did.

Q. Did you at any time hear Lieutenant Peterfon give his reasons, for disobeying Lord Camelford's orders?

A. Never—but I heard him say in the afternoon, he was senior officer.

Q. Did

Q. Did you understand he meant himself senior officer, because Captain Fahie commanded the ship; or that he only considered Lord Camelford a Lieutenant, and himself senior to him on the list?

A. I did not know which were his reasons, till after the letter had passed, he said he was senior Lieutenant.

Q. You say you did not distinctly hear Lieutenant Peterfon's answer, previous to the firing of the pistol, by the prisoner. How far did you stand from Lieutenant Peterfon?

A. About two feet and a half.

Q. Was you as near to Mr. Peterfon, as Mr. Crawford was?

A. I was rather nearer.—Mr. Crawford stood on the opposite side.

Q. Do you know what dress Lord Camelford had on at that time?

A. I do not—did not take notice.

Q. Did you ever see him in a Commander's coat?

A. Never—and had not seen Lord Camelford but a few times before that, and always in a Lieutenant's uniform.

Q. Did you hear of any disagreement, which had taken place, between the late Lieutenant Peterfon and Lord Camelford?

A. No—I am a stranger to both parties.

Q. Did you see the Perdrix's men armed?

A. I did not—I had not time; but I heard them ordered to be armed by Lieutenant Peterfon.

Q. For what reason did you conceive?

A. I had no conception whatever—I only relate the facts.

Q. At the time did you conceive they were armed, in consequence of the alarm on the island, or for what reason?

A. I had no conception whatever—I heard a noise, and went down.

Q. Did you hear any conversation in the mess-room, between Lieutenant Milward and Lieutenant Peterfon?

A. There was something said, but I did not understand it.

Q. Do you know whether Lieutenant Peterfon was actuated to resist Lord Camelford's orders, for private pique, for disaffection to the service, or from mistaken ideas of his being the prisoner's commanding officer?

A. He said he considered himself senior officer, or words to that effect.

Q. Do you know of any verbal order being sent by Lord Camelford to Lieutenant Peterfon, to arm the Perdrix's ship's company?

A. No.

Q. Did you take minutes of any message sent by Lord Camelford to Lieutenant Peterfon, or Mr. Crawford?

A. I did once, by the order of Lieutenant Peterfon?

Q. Relate what they were.

A. To Mr. Crawford, to put Lieutenant Peterfon under an arrest, and take the command.

Q. Did Mr. Peterfon resist that order?

A. Mr. Peterfon returned for answer, "He was astonished at his presumption."

Q. When

Q. When Lieutenant Milward, and the marines, sent to arrest Lieutenant Peterfon, left the mess-room, where were you?

A. Sitting at one end of the room, at the mess-table, and Mr. Peterfon was at the other.

Q. What distance might that be?

A. Five, six, or seven yards, thereabout.

Q. Do you know the reason of their quitting the room, without executing the arrest?

A. I do not.

Q. Was you looking towards the stairs?

A. No, another way.

Q. When they went down, what was the behaviour of Lieutenant Peterfon?

A. He followed.

Q. Was he armed?

A. When I went below, he had his sword in his left hand; in which manner he stood before Lord Carmelford, when he answered.

Q. In what position did he hold his sword, and was it drawn?

A. It was drawn, and the point on the ground.

Q. When Lieutenant Peterfon answered, "Here am I, Sir," did he answer in a cool respectful manner, or was he agitated by passion?

A. He answered as I in general heard him—spoke rather rough.

Q. Did he appear to you on that evening to be sober?

A. Perfectly so, I thought.—I never saw him other-ways.

Q. Did

Q. Did you distinctly hear him to order the Per-
drix's to load with ball, and fix bayonets?

A. I did not.

Q. When the prisoner asked Lieutenant Peterfon
if he persisted to disobey his orders, was there time
sufficient for his answer, before the pistol was fired?

A. There was time to say, Yes or No.—The pistol
was fired very quick.

Q. Did Lord Camelford repeat the question more
than once?

A. Not that I heard.

Q. Had it been repeated, was it possible for you not
to have heard it?

A. I was near enough.

Q. Did you hear Lieutenant Peterfon, in the course
of that evening, or before, express to you, or any per-
son else, his determination to resist being arrested by
the prisoner's orders, at all hazards, and by force of
arms?

A. No.

Q. Did you ever hear Lieutenant Peterfon express
his determination, not to obey the orders of the pri-
soner, or acknowledge his superiority?

A. I heard him say he was senior officer.

Q. When the prisoner asked the deceased, if he
persisted to disobey his orders, did you perceive him
present the pistol?

A. I did.

Q. Were you examined by Captain Mitford or the
Coroner, or by both?

A. I was examined by the Coroner; and Captain
Mitford asked me some questions, which I answered.

Q. Was

Q. Was Captain Mitford present, when the Coroner's inquest was taken?

A. I don't recollect that he was.

Q. Did you, to the Coroner's inquest, or to Captain Mitford, insinuate, that the event arose from any prior disagreement, between the deceased and the prisoner?

A. It was generally said, they disagreed when in the Favorite; but I do not recollect having said so, to the Coroner or Captain Mitford.

Court closed.

Court opened.—Witness ordered in again.

Lord Camelford. Q. Was you in the mess-room at the time Lieutenant Peterson's letter, wrote by yourself, was delivered to Mr. Crawford, Master?

A. Yes.

Q. Was he acquainted with the contents of that letter?

A. I don't know that he was.

Q. Were any parts of that letter made public, in his presence?

A. The copy of the letter laid on the mess-room table, but whether he read it, or not, I don't know.

Q. Did you ever say to Captain Mitford, or the Coroner, that it was by some people thought that I had taken the steps I did, from private malice to Lieutenant Peterson, or words to that effect?

A. I don't recollect that I did; but it was said, they did not agree.

Q. Did you ever mention that, to Captain Mitford?

A. Captain

A. Captain Mitford asked me the circumstances that happened, but my recollection will not allow me to say positively the particulars of our conversation.

Q. Did Captain Mitford ever enter into the subject with you, with sufficient detail to enable him to form a true and impartial opinion?

A. He asked me a number of questions respecting the business.

Q. Did he request you to state to him fully, and upon reflection, every thing you knew relating to it, or words to that effect?

A. I don't recollect that he did.—What passed, I considered as matter of conversation.

Q. How long was Lieutenant Milward in the room, from the time he first came up, to the time he went down?

A. A few minutes.

Q. Did I keep my pistol presented to Lieutenant Peterson, the whole time I was speaking to him?

A. You did.

Q. Was the question I made use of to Lieutenant Peterson, very nearly as follows: "Do you refuse, do you still persist in refusing to obey my orders?"

A. I heard the words, "Do you still persist in disobeying my orders?"

Q. At the time I shot Lieutenant Peterson, were the Perdrix's men loading, or were they already loaded?

A. I don't know, I was just come down stairs, and I was to the left hand side of them.

Q. Did you imagine from the suggestion of the moment, that the Perdrix's men were about to fire?

A. I had

A. I had not a suggestion of the business.

Q. Do you recollect the arms of the Perdrix being got ready for service, and the time at which they were got ready?

A. I do not.

Q. Did you ever know two centries armed with musquets and bayonets to be placed at the stairs of your mess-room?

A. Not till I went down stairs on the evening of the 13th.

Q. Did you ever hear the orders they at that time received?

A. I did not.

Q. Do you conceive the Perdrix's would have fired when their pieces were loaded?

A. I had no opinion on the subject.

Q. Would you have ventured to have stood before them any time (had you been a stranger) at the moment of Lieutenant Peterfon's death?

A. Had I been a stranger, I should not.

Witness ordered to withdraw, and Mr. GEORGE IRELAND, Clerk of the Perdrix, called and sworn.

Court. Q. Do you know the prisoner?

A. I do.

Q. Have you heard his application for a Court Martial read?

A. I have.

Q. Relate to the Court what you know respecting the circumstances mentioned in that letter?

A. On the evening of the 13th of the present month, about eight o'clock, Lieutenant Peterfon sent for me

into the mess-room, where he resided, and ordered me to make out a list of every man in the ship, that was able to bear arms, and deliver it to Mr. Maddocks, Mate of the *Perdrix*; I made it out, and presented it to Mr. Maddocks; Mr. Maddocks said he was very busy; he would thank me to take it to Lieutenant Peterson. I accordingly did, and came away to the room where I mess'd. Some little time afterwards I heard the Armourer called for, and his orders were, to give every man in rotation, as they came up, a musket, bayonet, cartouch-box and cutlass.—Every man present, I believe, received the same; some were absent out of the yard, and some straggling about it.—Some little time afterwards they returned their arms, and the orders from Mr. Maddocks were to keep them in readiness when called for. About nine o'clock, to the best of my recollection, a woman, by name Mary Osterman, came into our mess-room, and said, that Lord Camelford had sent Mr. Milward, with a party of marines, to arrest Mr. Peterson. With that I got up, and asked the Boatswain and Gunner if they knew any thing of the business; they said "No." I immediately after that heard a general cry of "Men arm yourselves:" and accordingly I saw the men flocking up stairs. Upon that I went out of the room to that where the arms were deposited: I saw some with, and some without arms.—Those that had arms were making the best of their way down stairs.—I went with the croud down stairs; when I came into the yard, I first heard my Lord Camelford's voice, and immediately after saw him walking towards Lieutenant Peterson's mess-room, calling out for Mr. Milward, and desiring him to desist, and

and bring his marines with him.—Mr. Milward came down stairs with the marines, who walked with his lordship towards the wharf.—His lordship mentioned something to Mr. Milward, and I have to believe, and sincerely do believe it was this; “Mr. Milward, go to Mr. Parsons, and tell him to arm all the people, and send them over here as soon as possible.”—His lordship then hailed the Favorite, after speaking to Mr. Milward, what the conversation was I don’t know, and told Mr. Parsons to send the people over as soon as possible: his lordship then walked towards the capstan-house, but before he got there, he turned round, and went towards Mr. Milward and spoke to him; I saw Mr. Milward put his hand into his pocket, and give his lordship something, what it was I know not: his Lordship immediately walked towards the Capstan house.—As his Lordship was walking there, I heard Mr. Peterfon’s voice on the stairs. When he came into the yard he said, “Where are the Perdrix’s, are you all here?” Some one replied, “Here we are, Sir.” Lieutenant Peterfon replied, “Prime and load, and support your commanding officer.”—Lord Camelford cried out, “Where is Mr. Peterfon?” Some one answered, “Here he is, Sir.” Lord Camelford cried out a second time, “Where is Mr. Peterfon?” Mr. Peterfon answered, “Here I am, Sir.” Lord Camelford then asked him if he meant to obey his orders; Mr. Peterfon replied, “No, I will not.” Lord Camelford immediately on that brought his right hand, which was hanging down by his right side, up, and presented a pistol to Lieutenant Peterfon’s left breast, and discharged it. Upon that

Lord Camelford stepped on one side and said, "I have shot that man for mutiny," and immediately after cried out, "Mr. Milward support me with the marines:" Mr. Milward ordered the Serjeant to follow him with the marines, and his lordship went away with them.

Q. In the list of armed men you made out, how many were there?

A. Between thirty and forty.

Q. And did you suppose they were ordered for the purpose of manning the batteries?

A. I did.

Q. At the time the prisoner shot Lieutenant Peterson, did he apparently head the armed men of the Perdrix, or was he in another part of the yard?

A. He stood at the head of them.

Q. At what distance was he from them?

A. I can say within five yards.

Q. Was Lieutenant Peterson armed, and if he was armed, how was it?

A. I did not see any arms in his hand; after he was shot, I saw his sword sheathed, about two yards from his corpse.

Q. Do you know at what time the signal of alarm was made?

A. I cannot charge my memory, but at the time this accident happened, I know the alarm was not discharged.

Q. Was the order for the Perdrix's people to arm subsequent to the intimation you had that Lieutenant Milward was sent to arrest Lieutenant Peterson?

A. It

A. It was while Lieutenant Milward was in the mess-room.

Q. Was there any second alarm made on the Island which could have made Lieutenant Peterfon call out "prime and load, and support your officers."

A. None to my knowledge.

Q. Did you suppose that in consequence of Lieutenant Peterfon's being in apprehension his person was in danger of arrest, the men were called to prime and load and support their officer?

A. I did not know that Lieutenant Peterfon was in any such danger, but from the information I received from the woman before mentioned.

Q. When Lieutenant Peterfon answered "here I am, Sir," did he answer in a cool respectful manner, or was he agitated by passion?

A. When Lord Camelford proposed the question, he rose upon his toes, then sunk upon his heel, and with his hands on his hips, said "here I am, Sir."

Q. You have already stated to the court that the prisoner's next question to the deceased was, if he persisted in disobeying his orders—Was that question repeated?

A. No, it was not.

Q. From the time of its being asked till you saw the flash, how long was it?

A. As quick as a pistol could be discharged when brought from the side of a man.

Q. Do you mean to say that you did not distinctly hear the answer of the deceased, before you saw the flash?

A. I have

A. I have said before, that I heard Lieutenant Peterfon answer, "No, I will not."

Lord Camelford. Q. Did you hear the voice of the deceased giving directions to his men, before I received the something you speak of from Mr. Milward.

A. No.

Q. Are you positive that if he had given directions, you should have heard them?

A. Yes.

Q. How long had you been out of the mess-room at the time the deceased fell?

A. It might be about half an hour, not more.

Q. How long was it from the time of the general cry "To arms," till the time Lieutenant Peterfon fell?

A. Much about the same time.

Q. Did the people arm themselves before the general cry of "To arms?"

A. No.

Q. Where was you at the time the cry took place?

A. In the further part of the loft.

Q. How long had the people been drawn up when Lieutenant Peterfon fell?

A. I cannot say, for they were in very great disorder.

Q. How long was it from the time Lieutenant Peterfon first addressed the people when drawn up in the yard, to the time he fell?

A. About five minutes.

Q. Did I walk strait to Lieutenant Peterfon from Lieutenant Milward, at the time I shot him?

A. Lord Camelford walked towards the Capstan-house, calling out for Mr. Peterfon; whether he walked in

in the direction for Mr. Peterfon or not, I cannot say.

Q. What was the elapsed time between my leaving Mr. Milward, and joining Lieutenant Peterfon?

A. Not more than five minutes.

Court. Q. What distance were the parties from each other?

A. About twenty yards.

Lord Camelford. Q. Did I ever stop in my progress walking from Lieutenant Milward to Lieutenant Peterfon?

A. He did stop, but it was momentary.

Q. How long was I speaking to Lieutenant Peterfon, from the time I first addressed him till he fell.

A. Lord Camelford put the question, "If he would obey his orders;"—Lieutenant Peterfon replied, "No, I will not:" and immediately Lord Camelford shot him.

Q. Who did you understand was meant by Lieutenant Peterfon, when he told his men to support their commanding officer?

A. Himself.

Q. At what time were the sentries placed at the mess-table?

A. I can't say.

Q. Did it strike you at the time, that the Perdrix's men would have fired as soon as they were ready?

A. No, it did not, Sir; for I was standing immediately behind his Lordship unarmed, and certainly should not have stood in that situation, had I any thought of such a thing taking place.

Q. Were

Q. Were the people loading or loaded at the time Lieutenant Peterfon fell?

A. I faw no man loading, therefore cannot pretend to fay, whether they were loaded or not.

Q. Did you hear any noife of loading?

A. No, I did not.

Q. Do you believe they were at that time loaded or not?

A. I cannot pofitively fay.

Q. Were the people drawn up and armed?

A. Some were, I cannot tell what number.—Those that were drawn up, were all armed.

Witness ordered to withdraw; and ALEXANDER TAYLOR, Seaman, of the Perdrix, called and sworn.

Q. Do you know the prifoner?

A. Yes.

Q. Have you heard his application for a Court Martial read?

A. Yes.

Q. Where were you when Lieutenant Peterfon fell?

A. About three yards from his Lordship.

Q. Were you armed?

A. Yes.

Q. By what orders?

A. By Lieutenant Peterfon's.

Q. For what purpose?

A. To go in the guard boat at eight o'clock.

Q. At what time were you armed?

A. At

A. At half past seven o'clock.

Q. Where was you from half past seven, till the time of Lieutenant Peterfon's death?

A. In the Capstan-house, except when I went across the water with the Master.

Q. Did you take your arms with you?

A. Yes, I did, and when I returned, all hands were called to muster.

Q. Relate to the Court what passed after your return.

A. Every man got a musquet, bayonet, and cartridge box.—Then we were drawn up into rank, inside the Capstan-house.—Lieutenant Peterfon viewed every man's musquet.—He said some were not fit for service, and others were got in their room.—Then afterwards we were ordered to have our musquets ready at a minute's warning.—Then I went and laid down in my hammock, with my arms alongside of me.—About half past nine o'clock, I heard a bustle up stairs, but what it was I did not know.—Directly the Boatswain's Mate piped all hands to arms in an instant, and draw yourselves up in front of the Capstan-house; at which we were all amazed.—Some person asked where we going.—Others supposed that enemy's boats were come into Falmouth Bay.—With that Mr. Peterfon called out, "Perdrix's."—Then his Lordship asked, "Where is Mr. Peterfon?"—Some person answered, "Here he is."—His Lordship called again, "Where is Mr. Peterfon?"—"Here I am, Sir," said he, coming out from the Capstan-house.—Then his Lordship turned short round and said, "Will you obey my orders, or not."—He instantly said, "I will not."

—The instant he made this reply (his Lordship had a pistol in his hand) and shot him dead on the spot.—His Lordship said, “Mr. Milward, I have shot Mr. Peterfon for mutiny, assist me with the marines.”—Then hailing the Favorite, he told the commanding officer to get every man under arms.—He immediately then called Mr. Crawford.—Mr. Crawford answered, “Here, Sir.”—His Lordship asked him, “Will you obey my orders?”—He said, “I will, Sir.”—His Lordship said, “Dismiss your people, let them return their arms, and go into the Capstan-house.”—Upon which I went in.

Q. Were you ever ordered to load your pieces?

A. Yes.

Q. By whom?

A. I really did not know.

Q. Did you load in consequence?

A. Yes, with ball cartridge.

Q. Were you loaded, or were you in the act of loading, at the time of Lieutenant Peterfon's death?

A. In the act of loading.

Q. Did Lieutenant Peterfon call out, stand by?

A. I did not hear him.

Q. Were the bayonets fixed before Lieutenant Peterfon fell?

A. Yes.

Q. By whose orders?

A. By Mr. Peterfon's.

Q. Was you asked if you were ready?

A. Yes—and the Gunner's Mate answered, “Yes.”

Q. Was any guard boat sent off at eight o'clock?

A. No—at half past ten, the guard boat went.

Q. Did

Q. Did you ever hear the order given, "Prime and load, and support our officer?"

A. I did not—it might have been given, but I did not hear it.

Q. Did you ever hear any reason assigned, why you were drawn up in front of the Capstan-house?

A. No.

Q. At what time did you first hear of the alarm being given on the island?

A. Between eight and ten in the forenoon.

Q. And at what time were the orders given, in consequence of that alarm, to prepare the arms?

A. There was nothing done in consequence, that I know of.

Q. Did any second alarm reach your ears, between that time in the morning and eight o'clock at night?

A. None.

Lord Camelford. Q. Did you belong to the boat that carried Mr. Crawford across the water?

A. Yes.

Q. Were the boat's crew armed?

A. None but myself.

Q. By whose orders were you armed?

A. By Mr. Peterfon's, to join the guard boat.

Q. Did Mr. Peterfon order you to take your arms at that time?

A. No, I was standing by the boat, and Mr. Crawford ordered me into her.

Q. Did you hear me call to Mr. Milward, when he was in the mess-room, to desist and come down with the marines?

A. No.

Q. Did you hear me call the Perdrix's, to endeavour to speak to them?

A. I did not.

Q. Did you ever hear any of your shipmates say they had had heard it?

A. No.

Q. Had you not received orders to load with ball cartridge, before I went up to Lieutenant Peterfon?

A. As he was coming out of the house, I heard the orders given; but I can't swear the orders were given by him.

Q. When Mr. Peterfon came out from behind the screen, which way was I facing?

A. One side towards the Capstan-house.

Q. Did I hold the pistol to Lieutenant Peterfon's breast, all the time I was speaking to him?

A. I cannot tell, I was not looking that way at the time.

Court. Q. As a man, who has been taught the use of arms, would you have fired with orders from Lieutenant Peterfon, or would you have fired had you seen him seized?

A. I would not have fired without orders—if I had received orders from Lieutenant Peterfon, I should have fired, thinking it my duty.

Q. Was Lieutenant Peterfon armed?

A. I did not see any about him.

Witness ordered to withdraw, and the Court adjourned till Tuesday morning, half past seven.

Half

Half past seven, Tuesday morning, 23d January, Court met.

WILLIAM THOMPSON, Seaman, of the *Perdrix*,
called and sworn.

Q. Do you know the prisoner?

A. Yes.

Q. Have you heard his application for a Court Martial, read?

A. Yes.

Q. Relate to the Court what you know respecting the circumstances mentioned in that letter.

A. About eight o'clock in the evening of Saturday the 13th instant, Richard Parkinson, Boatswain's Mate, and John Oliver, Ship's Corporal, sung out, that all the *Perdrix's* who were able to bear arms, should immediately muster and get arms; and as soon as we got arms, we were to fall in, inside the Capstan-house, and Mr. Peterson, our officer, was to inspect our arms.—Accordingly, when we had drawn up in a sort of line, Mr. Peterson came to the right of us, and ordered each man to "Open pans," as he came along, that he might examine the lock, to see if it was clean.—After overhauling us in this manner, he desired each of us to take the pieces into our own custody.—Then immediately orders were given, to give them to the armourer, but only the arms were to be in such readiness, that we might get them at a minute's warning.—Accordingly, about an hour and half after I had
turned

turned in, I heard a bustle immediately above me, where the officers messed.—After I had listened a few minutes, I heard Richard Parkinson, Boatswain's Mate, call out for all the Perdrix's to go get their arms immediately, backed by Oliver.—When I got my arms, we were ordered to draw up in front of the Capstan-house.—Accordingly, when a few of us were drawn up, I being nearly to the left, heard Mr. Peterson call out, under the Capstan-house, "Where are the Perdrix's."—Some person answered, "They are drawn up in front of Capstan-house."—The next thing that I heard, was Lord Camelford's voice, at a distance, calling out, "Where is Mr. Peterson."—The next thing I heard, was Mr. Peterson's voice, coming out from under the Capstan-house, and gave orders to "Prime and load."—The next I perceived, was Lord Camelford come up right to him, within about rather more than arm's length, and demanded of Mr. Peterson, if he would comply with his orders, or something to that purpose.—The answer Mr. Peterson made, was "No, Sir, I will not."—Instantly Lord Camelford shot him dead on the spot.—Then the next thing, after a short stop or pause, Lord Camelford seemed to address the Perdrix's, and said something to this purpose: "I have shot your officer for downright mutiny; and as I am chief commander in this harbour, of course your officer."—Then he went a little distance and called, Mr. Milward, "Come up and support me with the marines."—Then he said to the Perdrix's, "You did right in obeying your officers orders, in getting armed; therefore, as I am your officer, you are to obey my orders."

"orders."—Then ordered us to dismiss, and put our arms aside.—He was backed by Mr. Crawford, who gave us the same orders.

Lord Camelford. Q. Did Lieutenant Peterfon order the men to load before, or after I had called for him?

A. I heard him before.

Q. Were the people loading when I addressed them?

A. I had already loaded—some were loading—I observed that.

Q. If Lieutenant Peterfon had ordered you to fire, would you have obeyed that order?

A. I certainly would.

Q. If Lieutenant Peterfon had ordered you to do one thing, and I had ordered you to do another, who would you have obeyed?

A. I certainly would^d have obeyed Mr. Peterfon's order, as I considered him my officer.

Q. Did you know at the moment Lieutenant Peterfon fell, against whom you were turned out?

A. No, I did not.

Q. What distance were you from me at the time?

A. Not exceeding three yards, and not less than two.

Q. Did you see my pistol levelled at Lieutenant Peterfon's breast, all the time I was speaking to him?

A. I did not see it levelled at all, it was so instantaneous.

Q. Did you hear me call the Perdrix's, before Lieutenant Peterfon came down?

A. No, I did not.

Court.

Court. Q. You have said, that had Mr. Peterfon given you orders to fire, you would have fired; who was opposed to you at that time?

A. I saw a few men drawn up before us, but did not know who they were; but should have fired at them, if I had received orders from Lieutenant Peterfon?

Q. What number of men were under arms, at the time Lieutenant Peterfon fell?

A. Not above ten drawn up, but about thirty or forty armed, who were falling in and jostling one another, in a little confusion.

Q. Where was Lord Camelford at that time?

A. I don't know.

Q. Did you know Lord Camelford was on the spot, before the death of Lieutenant Peterfon?

A. Yes, I knew he was, because I heard his voice.

Q. You have said you would have obeyed Lieutenant Peterfon;—had you seen Lord Camelford in a Commander's coat, would you then have obeyed his orders, in preference to Lieutenant Peterfon's.

A. I would have obeyed Lord Camelford.—I conceived Lord Camelford as an inferior officer.—I had been told so in conversation in the yard.

Lord Camelford. Q. Did you hear me call Lieutenant Milward down from the mess-room?

A. I did not.

Q. Did you ever hear the sentries, at that time at the mess-room door, say what orders they were acting under, at the time?

A. Never.

Q. If

Q. If Lieutenant Peterfon had given the word "Fire," would you have fired, and at what?

A. I fhould not have known, unlefs he had told me what to fire at.

Q. At what diftance was that body of men from you?

A. About as far as I could pitch a ftone.

Q. Did you know thofe men to be marines?

A. No, I did not.

Q. Do you know there was an order exifting from me, to put Lieutenant Peterfon under arreft?

A. No.

Witness ordered to withdraw; and GEORGE KILLET, Seaman, of the Perdrix, called and fworn.

Q. Do you know the prifoner?

A. Yes.

Q. Have you heard his application for a Court-Martial read?

A. Yes.

Q. Was you placed as centinel at the mefs-room door, in the Capftan-houfe, on the evening of the 13th infant, and at what time?

A. I was, between eight and nine o'clock.

Q. What were your orders?

A. To let no man or officer up, without leave from the commanding officer, Mr. Peterfon.

Q. What do you know of the events of that evening?

A. When I was fentry, Mr. Milward and fome marines were coming up to the door, and called out, "Who is that."—"Sentry," I answered.—"Can I go

L

" up

“ up here,” he said.—I said, “ No, not without an order
 “ from the commanding officer.”—We sent a servant
 up to Lieutenant Peterfon, who said, yes, he might go
 up.—Immediately he called the marines up after.—
 Afterwards Lord Camelford came up to the door, and
 called for Mr. Milward.—He came down, and the ma-
 rines came after him, and walked away a little from the
 door; and then Mr. Peterfon came down, and walking
 through the Capstan-house, called out, “ Perdrix’s,
 “ turn out.”—Some one answered him, “ Here we
 “ are.—Then he went out and called, “ Prime and
 “ load.”—Immediately after Lord Camelford came up
 to him, and asked Mr. Peterfon, “ Will you obey my
 “ orders.”—He answered, “ No, I will not.”—Then
 he took the pistol (I don’t know where he had it) and
 shot him dead upon the spot.—Immediately after, turned
 round and called out, “ Mr. Milward, assist me with the
 “ marines.”—He then went and hailed the ship, and
 ordered Mr. Parsons to get all the marines under
 arms.—Then he came back and called Mr. Crawford,
 and said, “ Mr. Crawford, I desire you to dismiss these
 “ people, and put by their arms.”—Mr. Crawford said,
 “ Certainly, Sir, I shall obey your orders.”—Then
 Lord Camelford said, “ I have shot that man for mu-
 “ tiny, therefore, I would have you to dismiss.”—
 Therefore it was done.

Lord Camelford. Q. In the orders you received as
 fentry, not to let any one pass, were your own officers
 and men included?

A. Yes.

Q. Did you hear me call the Perdrix’s ship’s com-
 pany frequently?

A. No,

A. No, I did not.

Q. Did you hear me call Lieutenant Milward down?

A. Yes.

Q. From the place where you stood, must you have heard me, if I had called the Perdrix's?

A. If the people had heard, I must have heard.

Q. Did I keep the pistol levelled at Mr. Peterfon's breast, while I was speaking to him?

A. I can't say, I did not see it.

Q. Did I alter my position when I fired?

A. I did not see.

Q. Should you have seen it if I had?

A. No, it was too dark.

Q. Were you in the ranks?

A. No.

Q. When Lieutenant Peterfon came down stairs, did you understand the cause of the disturbance?

A. No, I did not.

Q. When Lieutenant Peterfon came down stairs, and ordered the Perdrix's to load and fix their bayonets, what did you understand was the cause of it?

A. I could not imagine.

Q. Did you know it was to oppose the marines of the Favorite, then drawn up?

A. I saw them both, but did not understand what it was for.

Q. Did you hear the calls of Lieutenant Peterfon, when up stairs?

A. No, I did not hear—I heard a noise,

Q. Did you hear Lieutenant Peterson call out to the Perdrix's, to arm themselves, or to turn out, or words to that effect?

A. I heard him call for the Perdrix's to turn out, after he came down, not before.

Q. Was you relieved before Lieutenant Peterson was killed?

A. I was not.

Q. Was your piece loaded with ball, when Lieutenant Milward came to you?

A. Yes, it was.

Court. Q. Did you see Lieutenant Peterson distinctly, when he came down stairs?

A. Yes, I did.

Q. Was he armed, and how?

A. He had a sword sheathed in his left hand.

Q. Are you positive it was sheathed?

A. I am certain it was, when he passed me.

Q. Did you observe him draw, or attempt to draw, previous to the report of the pistol?

A. No, I did not.

Lord Camelford. Q. Did you go up to Lieutenant Peterson directly after he fell?

A. No, I did not.

Q. Do you recollect ever seeing Lieutenant Peterson's sword drawn?

A. No, I never saw a sword with him before.

Witness ordered to withdraw; and Mr. MILWARD called up again.

Court. Q. To your knowledge, had any difference upon service arisen, between the prisoner and Lieutenant

nant Peterfon, previous to his act of difobedience on the 13th?

A. Yes.

Q. Did you know of any private or public quarrel, between the prifoner and the deceased, after the latter quitted the Favorite, till the evening of the 13th?

A. I did not.

Q. Did you, during the time you was acting Lieutenant in the Favorite, ever hear Lieutenant Peterfon doubt the authority of Lord Camelford to command him?

A. Not while he belonged to the Favorite.

Q. Did you ever acquaint the prifoner, that you had heard the deceased question his fuperiority?

A. Never did.

Lord Camelford. Q. Did you ever hear me complain, after Lieutenant Peterfon left the Favorite, of his misconduct, in allowing the private and parole fignals to be expofed for public infpection, during nearly one fortnight; at the time I lay wounded, and unable to difcharge my own duty; and have you heard me exprefs an intention of bringing Lieutenant Peterfon to a Court Martial, for the above act of neglect?

A. I have.

Q. Had I been abfent, and the command of the party had devolved upon you, with ftrict charge to avoid bloodfhed, would you have allowed them to remain on the ground they flood on, when Lieutenant Peterfon fell, fupposing your honor not implicated in returning?

A. I would not.

Q. For

Q. For what reason?

A. Knowing my inferiority.

*Witness ordered to withdraw; and SERJEANT LEACH-
LAND called again.*

Q. You say you was on board, when Lord Camelford took command of the Favorite, that you heard his order read, and that Lieutenant Peterfon was present—Where was it?

A. At St. Kitts.

Q. Who gave the order to Lord Camelford?

A. Captain Ruffell, of the Vengeance.

Q. Was that the only order you ever heard read?

A. Yes.

*Witness ordered to withdraw; and CORPORAL BUN-
KIN called again.*

Q. You say you was on board, when Lord Camelford took command of the Favorite, that you heard his order read, and that Lieutenant Peterfon was present—Where was it?

A. At St. Kitts.

Q. Who gave the order to Lord Camelford?

A. The Captain of the Vengeance, I don't rightly know his name.

Q. Was that the only order you ever heard read?

A. Yes.

*Witness ordered to withdraw; and JAMES GARD-
NER called again.*

Q. Relate to the Court, the manner in which the prisoner approached the deceased, Lieutenant Peterfon, when he shot him.

A. Walked

A. Walked up strait to him, with his arm hanging down, and asked him the first time, whether he would obey his orders, in that position.—He then presented a pistol, and asked him a second time.—Mr. Peterfon replied, “No, I will not.”—His Lordship that minute shot him.

Lord Camelford. Q. When first you heard Lieutenant Peterfon call out, out of the window, how far was you off from the Capstan-house?

A. Between eighteen and twenty yards.

Q. From the manner in which he called, how far could you have heard him?

A. Twice the distance, I could have heard the words very plain.

Q. Is it possible, that a man, not deaf, could stand at the foot of the Capstan-house mess-room stairs, and not have heard Lieutenant Peterfon call out?

A. I should think it a thing impossible.

Witness ordered to withdraw; and the President informed the Prisoner, that the prosecution on the part of the Crown was closed; and requested to know when he would be prepared with his defence.—He begged to be indulged until eleven o'clock, to-morrow, and to have the minutes taken by the Judge Advocate.—On which the Court cleared, and when again opened, which was about half an hour, he was informed the request could not be complied with, but he might have any parts of the minutes read over.—He requested, that Mr. Milward's, Mr. Ireland's, and Mr. Crawford's evidence, or parts thereof, might be read, which was done; and the Court adjourned until eleven o'clock, the next morning.

Eleven

Eleven o'clock, Wednesday, 24th January, 1798, Court met.

LORD CAMELFORD read his defence, included in the paper marked No. 3, and then proceeded in his defence verbally as follows, viz.

“ The evidence of the Clerk, so strongly did perjury
 “ appear in every part of it, obliged the Court, out of
 “ humanity to the evidence, to put a stop to my ques-
 “ tions.—Before, however, that was done, I had
 “ brought him to declare, that from the time I first
 “ received the pistol, to the time of my making use of
 “ it, was five minutes.—Now, I think, it may be al-
 “ most mathematically proved, that that was not only a
 “ falsehood, but a wilful one.”

The Court now closed for a few minutes, and on its being again opened, the President informed the Prisoner, that if he wished more time to arrange his defence, he might have it; but observed, he had already been indulged with the time he requested.—On which the Prisoner requested to be further indulged until to-morrow morning, eleven o'clock.

Court adjourned.

At eleven o'clock, Thursday, 25th January, Court met.

LORD CAMELFORD said, I now recollect that the part of my defence I yesterday gave into Court, was not signed; I doubt not but the Judge Advocate has, before this, made a fair copy; therefore, if the Court will allow that fair copy to be read, I will, if correct, sign it.

The Judge Advocate having made a fair copy, accordingly read it, by desire of the Court, as also the additions thereto, in the paper marked No. 4.

LIEUTENANT MILWARD *called again.*

Lord Camelford. Q. State to the Court, the orders you received from Lieutenant Parsons, on the night of the 13th, to apprehend the person of Lieutenant Peterson, by force.

A. The orders were, that I should take a party of marines, and go over the water and arrest Lieutenant Peterson, and bring him over to him.—If he made any resistance, to take him by force; but if I found I could not take him without committing bloodshed, to acquaint Lord Camelford, for further orders.

Witness ordered to retire; and JAMES BROWN, Marine, of the Favorite, called and sworn.

Lord Camelford. Q. Did you belong to His Majesty's sloop Favorite, late under my command, on the 13th of January last?

A. I did.

Q. Do you know whether I was armed with any other weapon, than my usual side arms, on that evening, before the death of Lieutenant Peterson?

A. None other.

Q. Should you have known if I had, as being my servant?

A. I should.

Q. State to the Court the orders I delivered, in your presence, to Lieutenant Parsons, on that evening, to arrest the person of Lieutenant Peterson, by force.

M

A. On

A. On that evening, his Lordship gave orders to Lieutenant Parsons, to go to the opposite side, and tell Lieutenant Milward, to take the Serjeant and a party of marines, and come over to the other side, and arrest Lieutenant Peterson; and go up stairs with his marines, and if he made any resistance, to desire the marines to seize him immediately, and to take him dead or alive, and take him to the opposite side, and put him in confinement, and to plant a sentry over him, and not to allow him pen, ink, or paper, nor any person whatever to have any conversation with him.

Q. Did I specify in those orders, that Lieutenant Peterson was to be apprehended immediately, and without giving him time to resist?

A. You did.

Q. Did Lieutenant Parsons deliver those orders to Lieutenant Milward?

A. No.

Q. What were the orders he gave to Lieutenant Milward?

A. The orders that Lieutenant Parsons gave to Lieutenant Milward were, to take the Serjeant with a party of marines, and to go to the other side, and arrest Lieutenant Peterson; but if he made any resistance, not to commit bloodshed, but to apply to Lord Camelford, for further orders.

Court. Q. How near was you to Lieutenant Parsons, when he delivered those orders?

A. About half a yard.

Lord Camelford. Q. Was you called by me as a witness to my orders; and did you go over in that capacity,

capacity, to hear the orders delivered to Lieutenant Milward, by Lieutenant Parsons's own request?

A. I did.

Witness ordered to withdraw, and the Court cleared.—In a few minutes it was again opened, and Captain Russell's order to Lord Camelford, to command the Favorite, was read, as follows, viz.

By Thomas M. Russell, Esq. Captain of His Majesty's ship Vengeance, and senior Captain of His Majesty's ships and vessels in Basse Terre Roads, St. Christophers.

To the Right Honorable Lord Camelford, hereby appointed to act as Master and Commander of His Majesty's sloop Favorite.

“ YOU are hereby required and directed to repair on board His Majesty's sloop Favorite, and take upon you the charge and command of her accordingly; strictly charging and commanding all the officers and company of the said sloop, to behave themselves jointly and severally in their respective employments, with all due respect and obedience unto you, their said Commander.—And you likewise, to observe and execute the general printed instructions, and such orders and directions as you shall from time to time receive from any of your superior officers, for His Majesty's service.—Hereof,

M 2

“ nor

“ nor you, nor any of you may fail, as you will answer
“ the contrary at your peril.—And for so doing, this
“ shall be your warrant.

“ Given under my hand and seal, on board
“ His Majesty’s ship Vengeance, Basse
“ Terre Roads, St. Christopher’s, this
“ 13th day of September, 1797.

“ J. M. RUSSELL, (L. S.)”

*The witnesses JOHN LEACHLAND and WILLIAM
BUNKIN, who had been called into Court, before the
order was read, were now asked by the Court,*

Q. Is that the same order you heard read, in pre-
sence of Lieutenant Peterson?

Both answered—Yes.

*Court cleared, and when again opened, the sentence was
pronounced.*

J. G. BRIGGS,
Judge Advocate upon the occasion.

(A true Copy.)

EVAN NEPEAN.

(No. 3.)

D E F E N C E.

Mr. PRESIDENT, *and* GENTLEMEN *of the* COURT,

THE evidence which has already appeared before you is, I trust, in itself, fully sufficient to establish my acquittal: indeed I feel no difficulty in declaring that I never for one moment felt the shadow of a doubt upon that head: But Gentlemen, there are other grounds far more interesting to me, upon which it is left you to decide. The terms I mean are those of Honor; for it cannot be supposed that I have summoned myself before this Court, that I have been instrumental in staking my life upon the doubtful issue of a trial, where in fact no trial was positively necessary, and where the worst that could have ensued would have been that very trial:—I say, it cannot be supposed, that I have thus urged my own examination for the sole purpose of obtaining a bare acquittal.—Gentlemen, it has been propagated with equal art and ingenuity, that my motives for slaying Lieutenant Peterfon were only those of private pique and resentment; and that in order to cloak my own diabolical designs, I availed myself of a difference on service to perpetrate my detestable revenge. Captain Mitford has been pleased to express himself pretty roundly to that effect in his official letter to the Commander in Chief.—Considering myself, as I now most sincerely do, no less before a Court of Honor than a Court

Court of Justice, before a Court who will take cognizance of intentions as well as of deeds; and who will not allow the spleen and envy of designing men to destroy the character of those more honorable and more open than themselves: I shall make no apology for the comments I mean to pass in the sequel of my trial, not only upon that letter, but upon parts of the evidence, as far as they tend to my own justification.—As Captain Mitford thought proper to mask his sentiments when with me, by the greatest appearance of external friendship, it cannot seem strange that I appeared astonished and confounded at the first reading of his unmanly letter.—I found that the man, who at the time of writing that letter appeared in public with me arm in arm, and familiarly sat at my table, and tended by his conversation to enliven the company, had stood forward at the very eve of my trial, to asperse and insult me: his conduct is surely sufficient to cause the language above recited.

It is to men of black hearts, it is for men like Captain Mitford, that this justification becomes necessary.—The sequel of my defence, as it will clear me from his imputations, will, in its fullest force, retort the charge of malice on himself.

That Lieutenant Charles Peterfon, the deceased, was a man, with whom on service I never could agree, is a fact most notorious, and I wish not to deny it: exclusive of his constant neglect of duty, which rendered him by no means a desirable second to a commander, the general tenor of his conduct was so illiberal, that I have often been heard to express myself vexed and concerned that he could not be treated like a gentleman. In order

to avoid engaging too much on the conduct of the deceased, I will briefly say, that his character was so very different from mine, that we were not formed to sail together; and as I was loth to take away his commission, I desired him to leave the ship. From the moment, this source of dispute no longer subsisted between us; we seemed totally to have forgot each other, and would probably have remained in that state of forgetfulness ever after, if duty (the only point on which it ever can be said we disagreed) had not interposed, on the unfortunate occasion, that places me where I now stand. I shall now touch upon such parts of the evidence already given, as the few hours allowed me for the formation of my defence will permit, and, and I humbly hope the Court will exercise its indulgence, and recall to my memory any part of the evidence militating against me, which I may from haste have neglected. Unacquainted, as I confess myself to be, with the rules of naval judicature; unassisted as I stand, without either friends to advise, or counsel to inform me, it may be considered that I stand upon grounds rather precarious, for one whose life, whose honor, and whose commission are at stake; relying however, upon the justice of my cause, and the integrity of the Court, I meet with more pleasure than dismay the most awful moment of my life.

By what is already in possession of the Court, it appears, (if I draw right conclusions, and if my memory assist me aright) that my conduct from the beginning towards the deceased was neither harsh nor irritating; that upon his first disobedience and contempt of my orders, I ordered him, agreeably to the usual forms of service,

service, to be put under an arrest ; that when he sent me the letter now lying before the Court, the steps I took in consequence, were no more absolute than the occasion positively required. In the first place, the deceased in that letter usurped the command of one of his Majesty's ships, without legal warrant, as appears by his styling himself Commander of his Majesty's ship *Perdrix* ; and secondly, not contented with mere contemptuous language, he usurped my authority of senior officer in the port. Could any officer, therefore, with a due regard either to his own character, or to the public service, allow such proceedings to pass unnoticed ? *Undoubtedly no* : If it were necessary that some steps should be taken (without appealing to the character of Lieutenant Peterson, and those only who are acquainted with him, know how applicable such an appeal would be,) I would willingly be informed, whether it is probable any man, at the moment of violating the laws of his country, and while the passions that first instigated him thereto, are still in full force, is likely to give himself up to those very laws, when at the head of a force sufficient to oppose them. If such a supposition is probable (the event proved it not so) I can only say I have very little knowledge of human nature ; the only alternative therefore left me, consistent with my duty, seems, that I should apprehend the offender by force. Aware, as I have stated myself to be, that I should meet with opposition, I endeavoured to couch my orders (which will be proved by an evidence in the sequel) in such terms as would prevent the deceased from making preparations to oppose the arrest, and I must do myself the justice to say, that if these orders had been strictly attended

attended to, Lieutenant Peterfon would, in all probability, now occupy my place before this Court; for to the mistake in thofe orders, every thing which afterwards occurred may be attributed. I fhall now continue my remarks on the reft of the evidence before the Court. It feems on all fides eftablifhed, that I did not call to Lieutenant Milward to defift, till there was a force more than adequate to oppofe him; that when fuch a force was collected, I did call to him to defift, even at fome risk of my own character, out of an over-regard to the lives of his Majesty's fubjects; that after he had joined me, whilft we remained inactive in the yard, I expreffed myfelf not only concerned, but anxious and uneasy at the profpect I had before me, and that in this interval I hailed the Favorite for more force, a clear proof that I thought it neceffary in order to carry my point, and from which it may be prefumed that I intended to await its arrival. During this interval I walked unarmed, my ufual fide-arms excepted, as the evidence I fhall adduce will convince the Court, to the fcene of action; but before I had arrived there, I turned fhort round, and haftened back to Lieutenant Milward, of whom I borrowed a piftol, with which I returned; and after a very fhort explanation with the deceased, (during which time I held my piftol openly to his breaft, fhot him. The whole of this does not look very much like prepenfed malice). I am ftrongly afraid that the heart which charges me, is more acquainted with the turnings and windings of that paffion, than I am: On the contrary, I fhould fuppofe, that the fhort turning, the borrowing a weapon, with which I was unprovided before, the quick ufe I made of it,

and the open manner in which I held it, inferred that some sudden change of things and circumstances had taken place, which on the instant altered my mode of action. Indeed the thing is brought very close, when we find from all evidence (but one,) that my turning and acting as abovementioned, immediately followed the order of the deceased to load with ball cartridge, and fix bayonets. That the danger at that time was apparent to all parties, is evident from the joint testimony of Lieutenant Milward, and several other witnesses, who have confessed that they expected nothing else than to be fired upon. The actions of Lieutenant Milward, even if he were inclined to prevaricate, would sufficiently prove those were his expectations. He states himself that he offered me a cartridge, and desired me to reload, as there would be more of it. That my expectations were the same, cannot be doubted, from my calling to the marines to assist me at the moment Lieutenant Peterson fell, from my jumping back at the same time, and from my hailing the ship immediately afterwards; and that this was not an imaginary danger, but equally evident to both parties, is clear from the evasive answer Mr. Crawford the Master gave to my question (whether he would have stood at all hazards before those men, or not) and likewise from his having ordered the people, from his own judgment, to stop loading. This certainly was not a natural step, for any man to take upon the first instant, if it had not borne upon his mind, that the moment they had loaded they would fire.

It has been objected by the Court, and, no doubt, very properly, that facts alone are admissible; of these
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I have adduced many, in proof of the urgency of the moment; but in a case like the present, where the intention can only be got at, by ascertaining the appearances of things at the time; it might not be altogether unworthy the attention of the Court to consider, whether evidence of opinion would not forward the course of justice. It must be evident to every one, that if an officer is to be judged in the cool moments of reflection, on facts which are then only for the first time to be ascertained, error of judgement must become a crime. It is not impossible to conceive a chain of circumstances so unlucky, as to have made Lieutenant Peterson appear in an act of mutiny, when such might be the farthest from his intentions. If under this impression Lieutenant Peterson had fallen, what could I advance in my behalf, except that, not only myself, but every other by-stander was equally deceived?

As the whole of this defence is intended not to justify my own actions (for they want no justification) but to clear my intentions; I hope these few remarks will be excused. I will now call the attention of the Court to my expressions immediately after Lieutenant Peterson fell, and before I had time to make any artful arrangements; I avowed the action, and assigned the cause for it, and so strongly was I impressed with the legality of what I had done, that by the testimony of Waterman, the marine, I said the laws of my country would justify me. I immediately afterwards, put the same question to Mr. Crawford, the Master (next in command) to whose person I was even a stranger, and to whom I could consequently bear no malice. The way in which I acted to Lieutenant Peterson, and this

step, implied a strong determination, that I meant throughout, to have acted in the same manner ; and even after he had complied with my directions, in ordering the people to lay by their arms, I thought it necessary to pay them the compliment of saying (what nothing but a lunatick could have been sincere in) that they had done very right in joining their officer in mutiny.

(Signed)

CAMELFORD.

(No. 4.)

DEFENCE CONTINUED.

THE evidence of Ireland, the Clerk, was so nearly allied to perjury, that it might be mathematically proved, what he has said was false ; and that there are strong presumptions, not undesignedly so ; as he speaks so positively to every point. He asserts, that no transaction took place, of any moment, but what he was acquainted with ; and yet affirms, that I was five minutes from the time I borrowed the pistol from Lieutenant Milward, until the time I discharged it. Now, from various other witnesses, it is proved, that not only this was done, but moreover, that I walked towards Lieutenant Milward,

ward, during the time the people were loading ; therefore, if the Clerk's account is to be believed, the people must have been considerably more than that five minutes in loading ; a circumstance, which I conceive, will hardly meet much belief, when it is called to mind, that a soldier is allowed to load and discharge his piece, seven times in one minute ; so that allowing the Perdrix's people to take more than double that time in loading and firing, they ought to have fired, at least, fifteen rounds, during the period (that by every other witness) it is proved, they had not time to load once. This statement, I hope, is sufficiently clear to be understood ; and if it is, I have not much fear, that the evidence of Mr. Ireland will have weight with the Court. I could make several other comments upon the testimony of this, and several other witnesses, such as his having varied with respect to time, in his deposition, from ten to thirty minutes ; his having made the Judge Advocate foul half a side of paper, with his evasions and additions, to questions so simple, that a child might have answered them off hand. But as these remarks can only tend to invalidate his testimony, which, I believe, stands low enough already in the eyes of the Court, I shall say no more on that head. Having now summed up the principal heads of every circumstance, as far as evidence is concerned, and which I mean to advance in my behalf, I must beg leave to call the attention of the Court to the following fact.

I have ever invariably through life professed it as my opinion (ever since I had any opinion at all) that there was but one method to act in cases of this kind,
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namely, to check them on the moment by force of arms; and I have ever declared, that if placed in such a situation, I would put the ringleaders, or even the first concerned (on whom I could lay my hand) to instant death. It is not necessary that I should here give my reasons, they would be superfluous. I believe such a measure to be in itself strictly justifiable, and might possibly be dictated by the most tender humanity; at any rate, it is such as is best calculated to enforce His Majesty's service. That I have professed these opinions, and professed them seriously, is beyond a doubt; the present unfortunate complexion of the times has too often drawn them from me. I have not an intimate, that could not, if called upon, bear testimony of it. This, therefore, being the case, is it at all to be wondered at, that when called into action, I did as I professed? If I had not, what opinion must have been formed, either of my sincerity or judgement? However, sensible I may be, that this remark in no way tends either to criminate or exculpate me (inasmuch as the professing criminal intentions) can be no excuse for putting them in execution; yet, as they tend strongly to prove a positive determination to have acted in this manner, even before I ever knew that the deceased was in existence, it will, I hope, have much effect upon the Court, in tending to acquit me of malice or revenge. Having now stated every thing of moment, which I have to advance in my behalf, it is left to the Court to decide upon my sentence—a sentence, which I humbly hope, its feelings will induce it to make in terms so explicit, that I may either be enabled to re-

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sume my duty, with fresh energy and zeal, or that on the other hand, I may meet with the worst that this Court can inflict.

(Signed)

CAMELFORD.

FINIS.

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